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ACTS AND ORDERS

ISSUED IN THE

NORTH WESTERN PROVINCES,

DURING THE YEAR 1853.

Re-published from the Agra Government Gazette,

BY ORDER OF

THE HON'BLE THE LIEUTENANT GOVERNOR, NORTH WESTERN PROVINCES.



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ACTS AND ORDERS

FOR THE

NORTH WESTERN PROVINCES.

A C T S.

ACT No. II. of 1853.

An Act to remove doubts as to the liability of all subjects of Her Majesty to the same jurisdictions as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.

WHEREAS, by virtue of Act No. IV. 1837, it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the Territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty acquiring or holding property in land, or in any emoluments issuing out of land, or acting as local Agents or Managers of such property, are subject to the same jurisdictions as Natives for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local Agents or Managers thereof, should be liable to the public burthens and duties incident thereto, and in case of neglect or refusal to discharge the same, should be subject to the same jurisdictions as Natives; It is therefore declared and enacted as follows:—

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said Territories, whether in perpetuity or for a term, or being a local Agent or Manager of any such property, is by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a local Agent or Manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions as if he were a Native of the said Territories.

The 4th February, 1853.

ACT No. VI. of 1853.

An Act relating to Summary Suits for Arrears of rent, to sales of Putnee Talooks, and other saleable tenures, and to sales of land in satisfaction of Summary Decrees for rent.

WHEREAS, by Regulation VIII. 1831 of the Bengal Code, the hearing and decision of Summary Suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of Land Revenue of the several districts; and whereas by Regulation VII. 1832 of the Bengal Code, the conduct of sales of Putnee Talooks and other saleable tenures, under Regulations VIII. 1819, and I. 1820 of the same Code, and the performance of other acts preparatory to, or connected with, such sales, were transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. 1835, the power theretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of summary decrees for rent was transferred to the Collectors of Land Revenue, and it was enacted that all sales for the recovery of arrears of rent held under Clause 7, Section 15, Regulation VII. 1799, should be conducted by the Collector, his Deputy, or duly authorized Assistant, and that ten days' notice should be given of such sales by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector; and whereas it is expedient that Act XXV. 1850, and Section 9, Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, and as altered by the said Act XXV. 1850, should be extended to sales under Act VIII. 1835; and whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the above-mentioned Regulations and Acts, where lands situate within the Zillah or other district of one Collector, form part of an entire estate, paying revenue to the Collector of another zillah or district: In order therefore to avoid such doubts, and also to define who are the proper Officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and also in cases where lands held in Putnee, or other tenure, at one entire rent, are situate in two or more Collectorates, and to prevent any such decision or sale already made from being held invalid, upon the ground of its having been made by an Officer of a wrong district; it is enacted as follows:—

I. If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one Collectorate, the Collector of such Collectorate is the Collector to conduct the sale, or to hear and decide the suit. If one talook or tenure shall comprise lands situate in two or more Collectorates, or if any lands situate in two or more Collectorates be held under one lease or engagement, or at one entire rent, the Collector, in whose Collectorate the greater part of such lands shall be situate, is the Collector to conduct the sale of such Talook, or tenure, or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

II. If a Collector, to whom application shall be made to exercise any of the powers abovementioned, shall entertain any doubt as to whether the lands or the greater part of them are situate within his Collectorate, he shall report the case for the order of the Board to which he is subordinate, and if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

III. The word "Collectorate" in this Act means the zillah or other district, to which a Collector is appointed, and no lands situate beyond the limits of such zillah or district shall be deemed to be situate within the Collectorate, by reason of their forming part of an estate paying revenue to the Collector thereof.

IV. An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within his Collectorate; and with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

V. An independent Deputy Collector is an Officer appointed by Government to act as Deputy Collector, independently of a Collector, whether his office is one for the receipt of revenue or not. A Deputy Collectorate is the district within which an independent Deputy Collector is directed by Government to act.

VI. In cases of sales by an independent Deputy Collector, under the above-mentioned Regulations or Act, any notice thereby required to be stuck up at the Cutcherry of the Collector may be stuck up at the Cutcherry of the Deputy Collector.

VII. An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public Cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

VIII. Any notice required by the above-mentioned Regulations or Act, to be given by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, shall be stuck up at the Zillah Court or local Adawlut within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

IX. No order, decision, or sale, made in the discharge of any of the duties aforesaid under any of the aforesaid Regulations, or under the aforesaid Act, before the passing of this Act, shall be disputed, or deemed invalid, upon the ground that the Collector, Deputy Collector, or other Officer making the same, was not the Collector, Deputy Collector or Officer of the proper district; or upon the ground that the Cutcherry, at which the notice of such sale was given, was not the Cutcherry of the proper district, unless proceedings shall, previously to the passing of this Act, have been commenced, for the purpose of disputing the validity of such order, decision, or sale, upon such ground.

X. Act XXV. 1850, and Section 9, Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, except so far as the same has been altered by the said Act XXV. 1850, are hereby extended to all sales under Act VIII. 1835.

The 15th April, 1853.

ACT No. VII. OF 1853.

An Act to extend the jurisdiction of Magistrates, under the 53rd George 3rd, Cap. 155, Sec. 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.

WHEREAS, by an Act passed in the 53rd year of the reign of King George the 3rd, it was enacted, amongst other things, that it should be lawful for any Native of India resident in the East Indies or parts therein mentioned, and out of the Towns of Calcutta, Madras and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the zillah, or district where the alleged offender should be resident, or in which such offence should have been committed, and that such Magistrate should have the power and authority there-

in mentioned: and whereas Natives of India, resident in the East Indies, upon complaints preferred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth: and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843, to cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, or the Islands of Bombay and Colaba, or the settlement of Prince of Wales' Island, Singapore and Malacca, against the person or property of any person whatever, whether a Native of India or not: it is enacted as follows:—

I. The provisions of the said Act of the 53rd George 3rd and of Act IV. 1843, so far as the said provisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any Native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East India Company, not being within the said towns of Calcutta or Madras, the said Islands of Bombay and Colaba, or the said settlement of Prince of Wales' Island, Singapore and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the Magistrate of the zillah or district, may be lawfully exercised by any Joint Magistrate or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

The 15th April, 1853.

ACT No. IX. OF 1853.

An Act to amend Act No. VI. of 1853.

It is hereby enacted, that the first eight Sections of Act No. VI. of 1853, shall not extend to any case in which a petition for the sale of any saleable tenure was presented on the first day of Bysack, 1260, of the Bengal era, nor to any case in which any proceedings were pending at the time of the passing of the said Act.

The 22nd April, 1853.

ACT No. XV. OF 1853.

An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.

WHEREAS it is desirable to simplify and shorten the procedure in regular appeals to the Courts of Sudder Dewanny Adawlut in the said Presidency; It is enacted as follows:—

I. Act IV. 1850, and Sections II., III. and IV. Act XXX. 1850, are hereby repealed, except as to appeals presented before the passing of this Act.

II. *Clause 1st.*—Every petition of regular appeal in a case appealable to either of the said Sudder Courts shall be presented to the Court in which the decision was passed within six weeks from the day of the decision. Such petition of appeal shall,

except in cases of petitions under Section XIII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.—The Sudder Court may extend the time for presenting such petition of appeal to the lower Court, upon being satisfied that there is sufficient cause for such extension of time. The application for such extension of time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

III. On presentation of a petition of regular appeal to the Court, in which the decision was passed, notice thereof to the respondent, as well as a proclamation to the same effect, shall immediately issue from that Court; and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling-house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner abovementioned, the proclamation shall be fixed up in such other place, if any, as the said last-mentioned Court shall direct. The nazir shall make a return to the Court, stating when and where the notice and proclamation have been served or fixed up. The return of the nazir shall be filed in Court and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

IV. *Clause 1st.*—The Rule in Section 11, Regulation VI. 1793, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the Court in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them which either of the parties shall require to be copied, authenticated and deposited in the lower Court, previously to their being transmitted to the Sudder Court.

Clause 2nd.—If either of the parties require any papers to be copied, authenticated and deposited, such party shall either by himself, or his pleader or authorized agent, give notice in writing thereof to the lower Court, before the expiration of fourteen days from the time of the publication of the return of the nazir as aforesaid. Such notice shall specify the papers which the party requires to be copied, authenticated and deposited.

Clause 3rd.—Either party may by himself, or his pleader or authorized agent, before the presentation of an appeal, give notice in writing to the lower Court, specifying any papers or documents which he requires to be copied, authenticated and deposited, in the event of an appeal being preferred.

V. The petition of appeal, together with the record of the lower Court, shall be certified to the Sudder Court as soon as conveniently may be after the presentation of the petition of appeal; Provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated and deposited.

VI. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VII. *Clause 1st.*—On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to the appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

Clause 2nd.—Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd.—If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th.—The respondent shall in such case file with his petition of appeal his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VIII. *Clause 1st.*—At the expiration of the time allowed to the respondent for filing his grounds of objection and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court may notify, unless the respondent within such time file a separate petition of appeal in the Sudder Court.

Clause 2nd.—If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court to the effect that the respondent has filed such separate appeal, and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd.—Within such space of four weeks the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th.—If the appeal of either party be dismissed or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals and the proceedings thereon shall form one record, unless the Sudder Court shall otherwise order.

IX. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

X. *Clause 1st.*—All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely, without any argument or narrative of facts, and shall be numbered consecutively, and except in the cases herein-after-mentioned, shall be on paper bearing the stamp duty prescribed by Article 9, Schedule B, Regulation X. 1829.

Clause 2nd.—The Sudder Court may extend the time for filing grounds of objection either by an appellant or respondent upon special application for that purpose, and upon sufficient reasons being shown to the satisfaction of the said Court for such extension of time. In such case the objections may be filed within such extended time.

XI. Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing, amend his grounds of objection or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order. The said Court may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further

grounds, or to urge and be heard by himself or his pleader in support of any objection not included in his grounds of objection, upon such terms and conditions as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent ~~the~~ opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not included in his grounds of objection filed. But the Court shall not be confined to such grounds of objection on deciding the cause.

XII. *Clause 1st.*—The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent or the appellant to the appeal of the opposite party, and the Sudder Court may hear and decide upon such grounds of objection before calling the case up for decision upon the grounds of objection to the decision of the lower Court.

Clause 2nd.—If the grounds of objection filed by the appellant, and respondent, shall be upon points of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd.—If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section; and if their decision of the case upon the law shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XIII. If any party to a regular suit be desirous of being admitted to appeal *in formâ pauperis* to the Sudder Court, the following procedure shall be adopted.

Clause 1st.—The appellant shall present his petition to the lower Court according to the rules prescribed by Section II. of this Act; Provided that a petition to appeal *in formâ pauperis* against any decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd.—Petitions of appeal by parties desirous to appeal *in formâ pauperis* shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of two Rupees per sheet.

Clause 3rd.—Upon the presentation of such petition, the notice to the respondent and the proclamation shall state that the appellant desires to appeal *in formâ pauperis*.

Clause 4th.—On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not the appellant shall be allowed to appeal *in formâ pauperis*.

Clause 5th.—If the Sudder Court allow the petitioner to appeal *in formâ pauperis*, notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VII. of this Act, and the same procedure shall be adopted subsequent-

lythereto as in other cases of regular appeal under this Act. The rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in formâ pauperis* shall continue in force, except where the same are inconsistent with any of the provisions of this Act.

Clause 6th.—If the Sudder Court refuse to allow the petitioner to appeal *in formâ pauperis*, the said Court may make an order to the effect that the appellant upon filing a petition of appeal in that Court, upon paper stamped with the stamp duty required by Article 8, Schedule B, Regulation X. 1829, and upon re-filing his grounds of objection on paper stamped with the stamp duty required by Article 9 of the same Schedule, may proceed with the appeal according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th.—Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty required by Clause 5 of this Section, within two weeks from the date of such order, or within such further time as the said Court may allow for that purpose, otherwise the appeal shall stand dismissed.

Clause 8th.—Upon the re-filing of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VII. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice shall be according to the general provisions of this Act.

Clause 9th.—If an appellant shall petition to appeal *in formâ pauperis*, his grounds of objection may be written on plain paper.

XIV. If an appellant shall be admitted to appeal, or a respondent, to defend, *in formâ pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Sudder Court on account of any error, defect or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XVI. This Act extends only to regular appeals which shall be presented after the passing of this Act in Civil cases appealable to either of the Sudder Courts in the Presidency of Fort William in Bengal.

The 28th October, 1853.

ACT XVI. OF 1853.

An Act for Amending the Law of Special Appeals.

I. Act No. III. of 1843 is hereby repealed, except as to cases in which a petition for appeal shall have been presented before this Act shall come into operation.

II. If any application for a special appeal shall have been presented, and no order shall have been passed thereon before this Act shall come into operation, such application shall be heard and determined in the same manner as an appeal presented under this Act; and all the provisions of this Act shall extend to such application and to the hearing thereof, and to all subsequent proceedings thereon; and also to the hearing and determination of the appeal, if the same shall be admitted.

III. If any such application shall have been presented, and the appeal admitted before this Act shall come into operation, the appeal shall be heard and determined, in the same manner as if this Act had not been passed, except that the Sudder Courts

shall determine the appeal without reference to the points certified, and may call for or refer to any part of the proceedings which may be necessary and that the provisions of Section X. of this Act shall extend to such appeals.

IV. A special appeal shall lie to the Sudder Courts in the several Presidencies of Fort William in Bengal, Fort St. George and Bombay, from any decision passed on regular appeal in any of the Civil Courts subordinate to the said Sudder Courts respectively, on any of the following grounds; namely—

1st. On the ground that the decision hath failed to determine all material points in difference in the cause, or hath determined the same or any of them contrary to law or usage having the force of law.

2nd. On the ground of a misconstruction of any document.

3rd. On the ground of any ambiguity in the decision affecting the merits.

4th. On the ground of any substantial error or defect in procedure, or in the investigation of the case, provided such error or defect be apparent on the record, and shall have produced, or be likely to have produced, any error or defect in the decision of the case upon the merits. Provided always that no such special appeal shall lie, nor shall any such decision be reversed, altered, or remanded by any of the said Sudder Courts, upon the ground that the decision of any question of fact is contrary to, or not warranted by, the evidence duly taken in the cause, or any probability deduced from the record.

V. *Clause 1.*—A petition of special appeal may be presented in the Sudder Court, or it may be presented in the Court in which the decision objected to was passed for transmission to the Sudder Court. In either case the petition must be presented within three months from the date of the decision appealed against, unless the petitioner can show just and reasonable cause to the satisfaction of the Sudder Court for not having presented it within such limited period.

Clause 2.—Every such petition of special appeal shall be accompanied by authenticated copies of the decree objected to and of the decree of the Court of original jurisdiction. If the appeal be presented in the Court in which the decree objected to was passed, such last mentioned Courts shall forthwith forward the same to the Sudder Court with an endorsement thereon of the date on which it was presented, together with the copies of the decrees of the lower Courts by which it was accompanied.

Clause 3.—An application for an extension of the time for presenting a petition of special appeal may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

VI. Every petition for a special appeal shall set forth concisely and under distinct heads the grounds of objection to the decision appealed without any argument or narrative, and such grounds shall be numbered consecutively.

VII. *Clause 1.*—The Sudder Courts shall cause lists of the petitions, which shall be presented for the admission of special appeals to be prepared weekly, and to be affixed in the Court houses of the said Sudder Courts respectively. The said lists shall set forth the dates on which such petitions are likely to be brought on for hearing, and the said Sudder Courts shall cause extracts from the said lists to be transmitted to the Courts in which the decisions on regular appeal were passed; such extracts shall be affixed in some conspicuous place in the last mentioned Courts, and extracts therefrom shall be transmitted by such Courts to the Courts in which the original suits were instituted, and such last mentioned extracts shall be affixed in some conspicuous place in the said last mentioned Courts. The time to be fixed by the Sudder Court for the hearing of any petition shall not be less than six weeks from the date of despatch of the extracts referring to the same from the Sudder Court. The date of the despatch of each extract shall be notified thereon.

Clause 2.—At any time within the period of one month from the date of the despatch of the extract referring to the appeal, or within such further time as the Sudder Court shall, for just and reasonable cause, allow for that purpose, the respondent may present a separate petition of special appeal in the Sudder Court upon any of the grounds upon which a special appeal will lie against any part of the decision of the lower Court not involved in the appeal of the opposite party, provided the respondent shall not previously have presented a special appeal in the cause. Such petition however shall not be inserted in any list to be prepared in pursuance of Clause 1, Sec. 7 of this Act.

Clause 3.—If the petition of appeal or the appeal of either party be dismissed, withdrawn or rejected, the application for appeal or the appeal, as the case may be, of the other party, shall be heard alone according to the provisions of this Act: otherwise, all applications for special appeal and all admitted special appeals relating to the same decision, shall respectively be heard together, unless the Sudder Court shall otherwise order in any case.

VIII. *Clause 1.*—It shall be lawful for one or more of the Judges of the said Sudder Courts, respectively, to hear applications for special appeals, duly presented as aforesaid, in the presence of the appellant, or his pleader, and also of the respondent or his pleader, or such of them as shall attend, and it shall be competent for such Judge or Judges to call for and peruse any document forming a part of the record of the cause; or to order the amendment of the petition of special appeal forthwith, or within such time as he or they may order, not exceeding one month from the date of such order; or to make an order of reference to the Court which pronounced the decree appealed from for further information or explanation; or to pass an order for admitting the appeal for hearing or for rejecting the same; or, if it shall appear that the facts have not been sufficiently recorded, or that the case is otherwise so insufficient that the Sudder Court could not, if the appeal were admitted, pass a final decree thereon, but for no other cause, to issue an injunction, setting forth the errors, irregularities, or other defects in the decision appealed against, and remanding the same to the Court by which the same shall have been passed, in order that such decision may be reviewed by the last mentioned Court, and that such order or decree may be passed thereon as shall be conformable to law. Provided always that no such remand shall be ordered as aforesaid, except upon grounds whereon a special appeal will lie under this Act. If any such application shall be heard by only two Judges, and they differ in opinion as to admitting the appeal for hearing, it shall be admitted.

Clause 2.—An order for admitting a special appeal for hearing shall specify, for the information of the Court, the grounds upon which it was admitted. But neither the Court nor the parties shall be confined to those grounds upon the hearing.

Clause 3.—If an order be passed for admitting the special appeal for hearing, the case shall be brought on to the file of the Court, to be heard and determined in due course.

Clause 4.—If an order for rejecting a special appeal or for remanding a case be made by one Judge only, such order shall not be final, but it shall be laid before another Judge of the same Court, who shall hear the application for the appeal in the presence of the appellant or his pleader, and also of the respondent or his pleader, or such of them as shall attend. If the second Judge be of opinion that the appeal ought to be rejected or the case remanded, he shall pass a final order to that effect; if he be of opinion that the appeal ought to be admitted, he shall pass an order for admitting the same, and the appeal shall thereupon be admitted, heard and determined in due course, in the same manner as if it had been admitted in the first instance.

Clause 5.—A final order for remanding a case shall not be made without notice to the respondent to enable him to appear and be heard.

Clause 6.—Any Judge by whom an order for admitting a special appeal shall be made may certify that in his judgment the decision of the lower Court is manifestly erroneous upon any of the grounds upon which a special appeal will lie, and thereupon the appeal may be set down for hearing in a list to be called the list of certified special appeals. All cases entered in such list may be called up in due course for hearing and decision according to the provisions of this Act without regard to the general list of special appeals pending in the Sudder Court.

Clause 7.—If an application for a special appeal be heard by a number of Judges sufficient according to the provisions of this Act to hear and determine the appeal, and it shall appear that the decision is manifestly erroneous, or that the case ought to be remanded, the appeal may be heard and determined forthwith, if the respondent or respondents be present or represented by a pleader or pleaders; otherwise the Court may order the case to be entered in the list of certified appeals, and the same shall be entered accordingly.

IX. Clause 1.—Every order for rejecting a special appeal shall state the reason for disallowing each of the grounds set forth in the petition, and every such order of rejection may be once reviewed by the Judge or Judges by whom the same was passed, or by any Judge or Judges sitting for or instead of him or them, if they or he shall think fit to review the same. Provided that no such review shall be allowed unless application for the same be made within three months from the date of such order.

Clause 2.—If any such order be rescinded, or if the Judges who shall review the same shall be equally divided in opinion, the appeal shall be admitted and the case brought on to the file of the Court, and heard and determined in due course.

Clause 3.—A petition for the review of such order shall be written on paper stamped with a Government stamp of the value of two Rupees a sheet.

X. Clause 1.—When any special appeal shall be admitted, the same shall be heard and determined by three or more of the Judges of the Sudder Court, and such hearing and determination shall be upon all the grounds whereon a special appeal will lie under this Act.

Clause 2.—The Sudder Court may at any time before or at the time of the hearing of any special appeal or any application for a special appeal allow either party to amend the grounds of objection set forth in his petition, or to add further grounds of objection thereto; or to urge and be heard by himself or his pleader in support of any objection not included in his petition, upon such terms and conditions as to postponement of the hearing, and as to the payment of costs or otherwise as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not set forth in his petition. But upon hearing the application or determining the appeal the Sudder Court shall not be confined by the grounds of objection set forth in the Petition.

XI. The existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay, relating to special appeals shall continue in force, in the said Presidencies respectively, so far as they are not inconsistent with, or repealed by, this Act.

The 18th November, 1853.

ACT No. XVII. of 1853.

An Act to repeal Regulation VII. of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.

WHEREAS a tract of land situated near the town of Teroha, in the district of Banda, was granted as an independent Jagheer by the British Government to the Mahara-

jah Imrit Rao, and whereas by Regulation VII. of 1816, of the Bengal Code, it was enacted that from and after the date of that Regulation, the jurisdiction of the Courts of Civil and Criminal judicature and the operation of the general Regulations, should not extend to the tract of land aforesaid, and whereas Maharajah Benaik Rao, son of the said Maharajah Imrit Rao, died on the 6th day of July 1853, and it is now expedient to repeal the abovementioned Regulation; It is enacted as follows:—

I. Regulation VII. of 1816, of the Bengal Code, is hereby repealed.

II. The said tract of land, being part of the district of Banda, all Laws and Regulations now in force within that district shall be in force in the said tract of land.

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed, within the said tract of land, before the passing of this Act, may be tried and determined by the Courts of the said district of Banda, and the general Laws and Regulations now in force there, may be applied and administered by the said Courts in the trial and determination of such cases; but if in any Civil case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination thereof, it shall be lawful for the said Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision was pronounced previously to the said 6th day of July 1853, by any Court or person within the said tract of land, having at the time of the decision lawful power and authority to pronounce it; and that with the exception of cases within the provisions of Section 4 of the said Regulation VII. of 1816, no act committed within the said tract of land prior to the 31st day of August 1853, shall be deemed an offence punishable under the provisions hereof, if at the time of the commission of such act the same was not contrary to the laws then in force in the said tract of land.

V. Nothing in this Act shall extend to any crime or offence within the provisions of Section 3 or 4, of the said Regulation committed before the passing of this Act, but every such crime or offence shall be dealt with and punished as if this Act had not been passed.

The 18th November, 1853.

ACT No. XVIII. OF 1853.

An Act for Regulating the sale of Spirituous Liquors, &c. in Cantonments.

WHEREAS it is expedient to regulate the sale of spirituous liquors, wine and intoxicating drugs within Military Cantonments; It is enacted as follows:—

I. If within any Military Cantonment or within any limits around the same to which the provisions of this Act shall be extended by an order of Government, to be publicly notified, any person not amenable to Articles of War or any Sutler or Camp follower shall knowingly barter, sell, or supply, or offer, or attempt to barter, sell, or supply, any spirituous liquor, wine or intoxicating drug, to, or for the use of any European Soldier, or to, or for the use of any European or Eurasian being a Camp follower or a Soldier's wife without a written license from the Officer Commanding at the Station, or from some person having sufficient authority from the Commanding Officer to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or, in the discretion of the Magistrate, to

imprisonment, with or without hard labour, for any period not exceeding one calendar month.

II. If any person convicted of an offence under Section 1, of this Act, shall be convicted under that Section of an offence subsequently committed, he shall be liable to a fine, not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any period not exceeding three calendar months; and in such case any spirituous liquor, wine, or intoxicating drug, within such Cantonment, or limits, which at the time of the commission of such subsequent offence shall belong to, or be in the possession of such person, shall, without further proof, be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the Provisions of this Act, and shall be liable to be seized and confiscated.

III. If any Camp follower or Military pensioner, or the wife or widow of any Soldier, Camp follower or Military pensioner shall within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor, or wine exceeding one seer or quart, without a permit, to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act; every such person shall be liable upon conviction to a fine not exceeding Fifty Rupees, and for any subsequent offence to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three calendar months.

IV. Section 3 of this Act shall not apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

V. If any person, subject to the provisions of this Act, shall be found committing any offence contrary thereto, any police Officer, authorized under this Act, may immediately, without warrant, arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon, without delay, take such person, together with the things so seized, before a Magistrate or other officer having jurisdiction to punish the offender.

VI. Any person, who shall obstruct any Police Officer in making any arrest or seizure, under this Act, and any Police Officer who shall not, without unreasonable delay, take the person, or thing so arrested, or seized, before a Magistrate, or other officer having jurisdiction to punish the offence, shall be liable, on conviction before a Magistrate, to a fine, not exceeding One Hundred Rupees.

VII. Any Police Officer, who, under color of this Act, shall, without probable cause, make any arrest, or seizure, without a warrant, shall, on conviction before a Magistrate, be liable to a fine not exceeding One Hundred Rupees, which fine or any part of it may be ordered by the Magistrate to be paid to the person aggrieved.

VIII. No Police Officer shall be competent to act under the provisions of Section 5 of this Act, unless he shall have a general, or special authority so to do, granted to him in writing by the Commanding Officer, or other Officer empowered by him to grant the same, or by the Officer in the immediate charge of the Police.

IX. In case of a conviction for any offence under this Act, the convicting Magistrate may adjudge any liquor, wine, or intoxicating drug, in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug, which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same, or any part thereof, to be confiscated; and such Magistrate may order the whole, of any part, or parts of any fine imposed under this

Act, to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender, or seized any of the goods adjudged to be confiscated.

X. A Magistrate may order any thing seized under the provisions of this Act, in respect of which any person shall be charged with an offence, to be detained until the person in whose possession the same shall have been seized shall be convicted, or acquitted of the offence charged. If the person shall be acquitted, the things so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by a Magistrate to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

XI. No appeal shall lie from any order or conviction under the provisions of this Act.

XII. European British subjects shall be amenable to the jurisdiction of a Magistrate for any offence against the provisions of this Act.

XIII. Within the Presidency of Bombay the Superintendent of bazars may punish any person for any offence against the provisions of this Act in the same manner and to the same extent as he is now authorized to do in any of the cases mentioned in Clause 3, Section 26, Regulation XXII. of 1827 of the Bombay Code.

XIV. This Act shall not apply to the sale, or supply of any article for medicinal purposes, by recognized medical practitioners, chemists, or druggists.

XV. In the construction of this Act, the word "Cantonment" shall include a "Fortress, or Garrison," or *Military bazar station*; the word "Soldier" shall include any Non-Commissioned Officer; the word "Magistrate" shall include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, or a Justice of the Peace; the words "spirituous liquor" shall include toddy in a state of fermentation, or after it has been fermented. Words in the singular number shall include the plural, and words denoting the masculine gender shall include the feminine.

XVI. This Act shall not come into operation before the 1st day of January 1854, and shall not take effect within any limits around a Cantonment which shall be specified in any order of Government before the expiration of one month from the date of the notification of such order, and any order for extending the provisions of this Act to any limits around a Cantonment may from time to time be varied, altered or suspended by Government.

The 2nd December, 1853.

ACT No. XIX. OF 1853.

An Act to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.

WHEREAS the law of evidence administered by the Civil Courts of the Presidency of Fort William in Bengal, and the rules for the attendance and examination of witnesses and the production of documents in such Courts, require amendment; It is enacted as follows:—

I. Sections 33, and 73, Regulation XXIII. 1814, of the Bengal Code, so far as they are inconsistent with the provisions of this Act, Section 11, Regulation XXIV. 1814, of the same Code, except so far as it relates to the signing and issuing of any process of Court to which the signature of the Judge may not be specially required, and Section 1, Act VI. 1843, so far as it authorizes the examination of witnesses according to the rules established by Section 11, Regulation XXIV. 1814, aforesaid, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit, or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf, or on behalf of any other party to the suit, appeal, or proceeding in the same manner as if he were not a party to the same. Provided that no party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open court, in such manner as the court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section 32, or 38, of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent to give evidence for or against the other, provided that the examination shall take place in open Court in such manner as the Court may direct, having regard to the usages and customs of the country, or that it be taken and read under, and subject to the Rules prescribed in Section 32, or 38, of this Act; provided also that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit in which according to the practice of the Court a day is fixed for the hearing shall have filed their exhibits and lists of witnesses, the Court shall by an order in writing, appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether parties to the suit or not, whom the party filing the list may intend to call as witnesses or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall shew to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as a witness is required, or without such application, if the Court think fit

so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to shew cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. *Clause 1.*—In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2.—If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

XII. The Court, on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any to which such Court shall be subordinate. The sum, so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons, or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall not be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If a witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every such summons shall, if possible, be served personally upon the person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified therein for his attendance, to allow the witness a reasonable time for preparation and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title deeds, unless he shall have agreed in writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

XXI. A witness being a party to the suit shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence, in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to produce it, or cause it to be produced to the Court, although there be a valid objection to the right of the party calling for it to compel its production, or to the reading, or putting it in as evidence, or to the disclosure of the contents thereof; the validity of any such objection made by the person producing the document shall be determined by the Court, and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it, and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document should not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for, by the person, naming him, who shall call for its production, that the person having the possession of the document, naming him, objected to its production, and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document, coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have

acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and which the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney, or vakeel, shall be bound, upon examination, to disclose any such matter.

XXIV. If any witness, whether a party to a suit or not, to whom any summons to give evidence or produce a document, shall have been personally delivered shall, without lawful excuse, fail to comply with such summons as required by this Act, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document, and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property of such person. Provided that no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section 27 of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear, and decide the case against such defendant or respondent *ex-parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant, or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend, and give evidence, or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons, and any person who, being in Court, and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence, or produce the document, for all damages which he may sustain in consequence of such neglect, or refusal, or of such absconding, or keeping out of the way as aforesaid, to be recovered in a civil action.

XXVII. If a person, whether a party to a suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot, after diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed, in the presence, and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent) shall be liable, under an order of the Court, to attachment and sale. Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court, to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. *Clause 1.*—The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness, the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine not exceeding the amount in dispute in the suit as the Court may deem fit to impose upon the witness having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to appeal in the same manner and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness, who may neglect, or refuse to attend, or who shall abscond, or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case; provided that when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence,

or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required, and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence, or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge, and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer if there shall appear any special reason for doing so, or any party, or his vakeel, shall require it. If any question put to a witness be objected to by either of the parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material, respecting the demeanor of any witness whilst under examination.

XXXII. In cases where the evidence is needed of females, who, according to the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section 5, Act VII. 1841 to the contrary notwithstanding.

XXXIII. On or before the day appointed for trial, the Court may, for any sufficient reason, such as the unavoidable absence of any material witness, or for other good cause, on the application of either party, postpone the hearing to another day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the Judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner, as if such notices had been expressly mentioned in such provisions. If the application be too

late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons, shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall, unless there be good and sufficient reason to the contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties, or such of them as desire it, shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the argument and evidence, the Judge shall record his judgment under Act XII. 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document, or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence, or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female, who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section 32 of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any witness in a cause who without lawful excuse shall wilfully remain in, or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, shall respectively include any party or parties to a suit, and the said Act shall be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided that the deposition of a party taken under the provisions of this Section at the instance of any opposite party may

be read in evidence by, or on behalf of, such last-mentioned party, without the proof required by Section 5 of the said Act. Provided also, that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that, in the judgment of the Court, it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself, or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other officer or person mentioned in Section 2 of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section 2; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versa*.

XLII. This Act shall extend only to Civil proceedings, and to the Presidency of Fort William in Bengal, and shall not include any of Her Majesty's Supreme Courts of Judicature.

XLIII. The provisions of Sections 9, 10 and 11 of this Act shall not extend to the Zillah of Chittagong or Sylhet.

XLIV. This Act shall come into operation on the 1st day of January 1854.

The 2nd December, 1853.

ACT No. XX. OF 1853.

An Act to amend the Law relating to Pleaders in the Courts of the East India Company.

WHEREAS it is expedient to amend the law relating to Pleaders in the Courts of the East India Company, it is enacted as follows:—

I. Section 16, Regulation XXVII. of 1814 of the Bengal Code, and Section 16, Regulation XIV. of 1816 of the Madras Code, are hereby repealed.

II. No Pleader shall be bound to attend in any of the Courts of the East India Company, on any day fixed for the transaction of Civil business, or to notify

to the Court his inability to attend, unless he shall be employed in some cause or business which, according to the practice of the Court, may be heard or transacted therein on that day, any thing in any law or regulation to the contrary notwithstanding.

III. Every attorney on the roll of any of Her Majesty's Supreme Courts of Judicature in India shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the rules for the time being in force in the said Sudder Courts respectively, applicable to Barristers pleading therein, whether relating to the language in which the Court is to be addressed or to any other matter.

IV. That part of Section 4, Act No. I. of 1846, which provides that no person shall be admitted a Pleader in any of the Courts of the East India Company, unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, shall not extend to Barristers or Attornies of any of the said Supreme Courts; but every such Barrister and Attorney shall be entitled as such to plead in any of the Courts of the East India Company subordinate to the Sudder Courts, subject to all the rules in force in the said subordinate Courts respectively applicable to Pleaders therein, so far as such rules relate to the language in which the Court is to be addressed or to any other matter connected with pleading therein.

The 8th December, 1853.

ORDERS OF THE GOVERNMENT, NORTH WESTERN PROVINCES,

For 1853.

No. 3.

Notification,—Financial Department,—Fort William, the 22nd January, 1853.

Notice is hereby given, that the 5 per Cent. Transfer Loan, comprising the Book Debt of the 31st December 1831,—the Book Debt of the 10th August 1835,—the Book Debt of the 15th January 1836, and the Promissory Notes of the Loan dated the 31st December 1831, will be discharged on the 22nd day of April 1854, when payment will be made at the option of the Creditors, either in Cash in India, or by Bills on the Hon'ble the Court of Directors, at 12 months' date, and 2s. 1d. per Sica Rupee, with power to the Court to postpone payment of those Bills for one, two or three years, upon allowing interest at 5 per Cent. per annum for the period of postponement.

No. 2.

In accordance with the advertisement of the Government of India, in the Financial Department, of the 17th June 1835, this Notice of payment shall be considered as equivalent to a tender of payment on the said 22nd day of April 1854, and all interest will cease from that day.

No. 3.

Proprietors of the Stock and Promissory Notes in the 5 per Cent. Transfer Loan will be permitted, on or before the 22nd day of July 1853, to subscribe the amount of such Stock or Promissory Notes into a New Loan, to be held in the form of Stock, and to bear an interest at the rate of 4 per Cent. per annum from the said 22nd day of April 1854. Such interest to be paid to Proprietors resident in India at the place of Registry, and if resident in Europe at their option either in Cash in India, or by Bills on the Court at twelve months' date, and Two Shillings and One Penny the Sica Rupee.

No. 4.

Proprietors who may subscribe their 5 per Cent. Transfer Loan Stock or Promissory Notes of that Loan into the Four per Cent. Transfer Loan shall not be subjected on this operation to the Fees prescribed in the Rules for the Government Agency.

No. 5.

The Stock of the New Loan will be transferrable only in Books to be kept in Bengal, at Madras, at Bombay, and in London, and not by endorsement of Stock Receipts, and the Stock Accounts may, at the option of the Proprietors, be transferred from the Books in India to the Books in London, and *vice versé*, as in the case of Stock of the 5 per Cent. Transfer Loan.

No. 6.

After the transposition of Stock Accounts to the London Books the interest payable on such Stock will be issued at the East India House at the rate of Two Shillings and One Penny per Sicea Rupee, by Dividend Warrants, payable at the Bank of England, at the same time as when the Bills would have become due had the remittance of interest previously been received by Bills of Exchange drawn upon the Court, under the option allowed in the 3rd Article of the present notice.

No. 7.

Proprietors of Stock in the Five per Cent. Transfer Loan, whose accounts may be open in the London Books on the 22nd day of April 1854, who shall not, on or before the 22nd day of July 1853, express their assent in writing at the East India House in London to the conversion of their 5 per Cent. Transfer Loan Stock into Stock of the 4 per Cent. Transfer Loan, will receive payment of their principal, together with the Interest due thereon, up to the 22nd day of April 1854, by a cash payment in London, on the 25th day of April 1855, the date at which the Bills would become due if the remittance of principal and interest were made from India by means of Bills of Exchange drawn upon the Court of Directors. The Court, however, reserving to themselves, in accordance with the stipulation in the first Article of this notice, the power to postpone payment of such principal for one, two or three years upon allowing interest at 5 per Cent. per annum for the period of postponement.

No. 8.

No part of the 4 per Cent. Transfer Loan shall be paid off before the 22nd day of April 1874, and whenever it shall be redeemed a previous notice of fifteen months shall be given by Public Advertisement, which notice may be issued at any time after the 21st of January 1873. Payment shall then be made at the option of the Creditors, either in Cash in India or by Bills upon the Court of Directors at twelve months' date and two Shillings and One Penny the Sicea Rupee, with power to the Court to postpone payment of those Bills for one, two or three years, upon allowing Interest at 4 per Cent. per annum for the period of postponement. The notice of payment, duly advertised as above, and published in the *Government Gazette* of Calcutta, shall be considered as equivalent to a Tender of payment on the date advertised for discharge, and all interest will cease from that day.

No. 9.

Proprietors of Stock in the 4 per Cent. Transfer Loan whose stock accounts may be opened on the London Books on the 22nd day of April 1874, will be paid the amount of principal, together with the Interest due thereon up to that date, by a cash payment in London on the 25th day of April 1875, at the rate of Two Shillings and One Penny the Sicea Rupee, such payment of principal to be subject to the power of postponement, upon the conditions mentioned in the preceding Article.

Notification,—Judicial Department,—Camp,—the 8th February, 1853.

No. 372.

IN re-publishing, for the information of the Civil Authorities, the following order passed by the Most Noble the Governor General of India in Council in the Military Department, the Hon'ble the Lieutenant-Governor requests that all

officers responsible for the management of Burdasht Khánas on the Trunk Road, will use every precaution for providing that an adequate stock of Firewood cut into small pieces for immediate use, is kept up at each of the encamping grounds.

GENERAL ORDER BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

No. 830 of 1852.

Fort William, the 30th December, 1852.

It having been ascertained that, on due notice being given of the probable date of arrival of European Corps and Detachments at the several halting places, Firewood, cut into small pieces for immediate use, can be supplied from the Burdasht Khánas or store houses on the Grand Trunk Road, and also in the Punjab, whether on the Main Road to Peshawar or any of the cross roads, carriage for Firewood, which has heretofore been customarily allowed to European Troops when marching, being now unnecessary, is to be discontinued.

2. In order to prevent inconvenience to the Soldier, Commanding Officers,

* As directed in G. O. V. P. in C. No. 15 of 21st January 1833, and Circular Adjutant General's Office, No. 1553, dated 15th October 1832, see pages 1 to 11 of the Selected Orders regarding the March of Troops, published under the Authority of the Hon'ble the Lieutenant-Governor, N. W. P., Edn. 1849.

when preparing Indents* on the Civil Authorities for supplies, will be careful to note the quantity of Firewood cut into small pieces that will be required for their men at each halting ground.

No. 4.

Notification,—Financial Department,—Fort William,—the 1st February, 1853.

NOTICE is hereby given, that the Sub-Treasurers of Fort William, Fort St. George, and Bombay respectively, are authorized to receive applications for Transfer of the 4 per Cent. Transfer Loan, advertized on the 22nd January last, when duly made under the terms and conditions of that advertisement. Proprietors who may desire to Transfer Stock or Promissory Notes of the 5 per Cent. Transfer Loan to the 4 per Cent. Transfer Loan, will be required to surrender their Stock Receipts or Notes, as the case may be, to the Sub-Treasurer concerned, and will receive from that Officer in lieu thereof a Sub-Treasurer's Certificate in the accompanying Form.

FORM A.

No. _____.

Fort William, or as the case may be.

I hereby certify that _____ has this day by Transfer of Stock Receipt No. _____ (or Promissory Note or as the case may be) _____ of the 5 per Cent. Transfer Loan, paid into the East India Company's Treasury the sum of Co.'s Rs. _____ in exchange for which _____ will receive from the Deputy Accountant General to the Government of India a Stock Receipt in favor of _____ bearing interest at 5 per Cent. per annum from _____ up to the 22nd April 1854, payable half-yearly

according to the conditions of the advertisement issued by Government on the 1st July 1835, and from and after the 22nd April 1854, a fresh Stock Receipt bearing interest at 4 per Cent. per annum payable half-yearly, according to the terms of the advertisement issued by Government on the 22nd January 1853.

Sub-Treasurer.

Sicca Rupees _____.

On delivery of the above Sub-Treasurer's Certificate to the Deputy Accountant General to the Government of India, the proprietor thereof will receive a Stock Receipt according to the accompanying Form.

FORM B.

Fort William, Stock Receipt,

Registered as No. _____ of _____.

Accountant General's Office.

The Governor General of India in Council does hereby acknowledge to have received from _____ the sum of Sicca Rupees _____ as a Loan to the East India Company by transfer from the 5 per Cent. Transfer Loan of _____ to the 4 per Cent. Transfer Loan of the 22nd April 1854, and promises to pay interest on the said sum of _____ at the rate of 5 per Cent. per annum half-yearly from _____ up to the 22nd of April 1854, and on or after the latter date, to issue in lieu hereof a fresh Stock Receipt bearing interest at 4 per Cent. per annum payable half-yearly.

Signed by Order of the Governor

General of India in Council.

Examined.

Accountant General.

Secretary to the Government of India.

Officers in charge of Revenue Treasuries in the Provinces are authorized to transmit Promissory Notes and Stock Receipts of the 5 per Cent. Transfer Loan, which may be tendered within the prescribed period for transfer to the 4 per Cent. Transfer Loan free of charge to the Sub-Treasurer.

And it will be observed that there is nothing in the new form of Stock Receipt to diminish the facilities of Transfer to the London Books or from the Books of one Presidency to those of another now attaching to the 5 per Cent. Stock Receipt.

No. 353.

Notification,—General Department,—Agra, the 2nd March, 1853.

THE Honorable the Lieutenant-Governor is pleased to re-publish for general information, the following Notification of the Most Noble the Governor General of India in Council, inviting subscriptions towards the erection and endowment of a School or College in memory of the Duke of Wellington, and for the Education of the Orphan Children of Officers of the Army.

To facilitate the transmission of contributions, orders have been issued to all Collectors in the North Western Provinces, to receive and forward to the Agra Treasury, free of charge, Subscriptions for this object presented at their Treasuries, and for all such sums the Collector of Agra will furnish a receipt to the Donors.

Notification,—Fort William,—Home Department,—the 15th February, 1853.

THE Most Noble the Governor General of India in Council has the honor of laying before the Officers of the Civil and Military Services of the Honorable East India Company, and before the community in the Presidency of Bengal, the following copy of a letter which has been addressed to him by the Earl of Derby, Her Majesty's Prime Minister.

Downing Street, 8th December, 1852.

MY LORD,

The universal desire felt by all classes to do honor to the memory of the Duke of Wellington, will probably lead to the erection of Statues and other Monuments in many of the principal Towns in the Kingdom, some of which have indeed already taken steps in this direction. But projects of this description, however much they may contribute to the ornament of the respective localities, and however gratifying they may be to the feelings of their inhabitants, can possess little more than local interest, can be joined in by comparatively few of the population, and are not calculated to confer any substantial benefit upon the community. With a view to erect a Monument to the memory of the Great Duke to which all may contribute, which shall be worthy of its object and of the nation, and which shall be of permanent and important advantage to that service of which he was long the head and the ornament, it is proposed to erect and endow by public subscription, a School or College, to bear the name of the Duke of Wellington, for the gratuitous, or nearly gratuitous Education of Orphan Children of Indigent and Meritorious Officers of the Army. Institutions, more or less national, already exist in which the advantages of such an education can be obtained by the Children of Soldiers, of Seamen, of Naval Officers, and of the Clergy; but no such provision has been made in favor of Officers of the Army, a class of men peculiarly liable to casualties, by which their families are often left in a condition of the most painful pecuniary embarrassment, and under circumstances in which the necessarily stringent Regulations of the War Office, preclude the possibility of any relief from public funds.

The execution of the proposed plan, and the scale upon which it can be undertaken, must depend on the degree of support given by the country to the object contemplated. It may be assumed that each capital sum subscribed of £ 1,000, representing a permanent annuity of about £ 30, will provide, for all time to come, exclusive of the expense of building, for the education of one child; and a considerable sum will be required for the erection of a building which shall be worthy of the proposed object. No payment will be required until the total sum subscribed shall amount to £ 100,000, when application is proposed to be made for vesting the capital in trustees, to be nominated in the first instance by Her Majesty from among the subscribers, and to be incorporated as in the case of Harrow, Rugby, the Charter House and others.

Donations may be made payable by instalments spread over two, three or four years.

Her Majesty and His Royal Highness the Prince Albert have been pleased to signify their approval of the project, and to place their names at the head of the Subscription List for the respective sums of £ 1,000 and £ 500.

I have the honor to be,

My Lord,

Your obedient Servant,

(Signed) DERBY.

The Governor General in Council feels assured that for such an object all special solicitation would be superfluous.

He feels assured that every man among us will give with alacrity such aid, as he can afford, towards preserving in grateful memory, through future ages, the name of the greatest Soldier that England ever saw; by associating with it, an institution which through years to come will provide for thousands of Soldiers' Orphans, the rich advantages of a sound education.

All who are so disposed are invited to transmit their subscriptions to the Secretary to the Government of Bengal, the Secretary to the Government, North Western Provinces, or the Secretary to the Chief Commissioner of the Punjab, as may be most convenient to them.

Lists will be published from time to time, and the subscriptions, when closed, will be transmitted to England.

(COPY.)

No. 534.

The 23rd March, 1853.

No. 173.

Notification,—Fort William,—Home Department,—the 11th March, 1853.

THE MOST NOBLE the Governor General in Council is pleased to notify for general information, that under the orders of the Hon'ble the Court of Directors, Medical Officers in Civil employ are henceforth to be held entitled to leave of absence for one month in each year upon the same terms as privilege-leave is granted to other Military Officers in Civil employ.

No. 727.

Notification,—General Department,—Agra, the 16th April, 1853.

WITH reference to the provisions of Section 5, Act XX. of 1847, for effect-

* "It shall be lawful for the proprietor of copyright in any book published, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of 2 Rs. to the said Secretary; and that it shall be lawful for every such registered proprietor to assign his share, or any portion of such interest thereon, by making entry in the Registry of such assignment, and of the name and place of abode of the assignee thereof, in the form in that behalf given in the said Schedule on payment of the like sum."

ing the registry of copyright under the rules noted marginally,* in a register to be kept in the office of the Secretary to the Government of India, in the Home Department, it is notified that the several Magistrates are hereby authorized and required to receive any applications for registry, which may be presented to them, containing the required particulars and accompanied by the registry fee of

two rupees.

The application should be presented to the Magistrate in triplicate. One copy he will retain in his own office, and the other two he will forward to this office, with a draft on the General Treasury for the amount of the fee.

Steps will then be taken in communication with the Secretary to the Government of India, Home Department, for securing the regular entry of the title in his register.

No. 13.

Notification,—Financial Department,—Fort William, the 23rd April, 1853.

NOTICE is hereby given, that the Five per Cent. Promissory Notes of this Government of 1825-26, standing in the general Register of the Registered Debt of this Presidency from No. 1151 to No. 5500 inclusive, will be discharged on the 25th July next, on which day the interest thereon will cease.

Prompt settlement of principal and interest at the rate of five per Cent. per annum to the date of advertised discharge will be made with proprietors who may be desirous of transferring their five per Cent. Notes now ordered for payment to the open four per Cent. Loan of the 1st February 1843; provided however in this case that interest at the rate of four per Cent. per annum shall be allowed on the new acknowledgments, only from such advertised date of discharge of the five per Cent. Notes. The fractional amount necessary to convert any Note into one of even hundreds in Company's Rupees, at the prescribed rate of 16 Company's for 15 Sicca Rupees, will be either paid to or received from the proprietor at his option.

The Sub-Treasurers at Fort William, Fort St. George and Bombay, the several Residents, Collectors and other Public Officers authorized to receive subscriptions to the four per Cent. Loan now open, are hereby required to grant acknowledgments to proprietors who may desire to transfer their five per Cent. Notes ordered for discharge to the open four per Cent. Loan.

These acknowledgments, together with the Promissory Notes for which they may have been issued, shall, without fee or expense of any kind to the proprietors, be transmitted to the Deputy Accountant General to the Government of India in Calcutta, who will forthwith cause to be prepared and issued to the parties entitled thereto Promissory Notes in the four per Cent. Loan.

It is further notified that for the accommodation of the proprietors of Government Promissory Notes now advertised for payment who, not being resident in India, may not have furnished powers to their Agents and Attornies to receive the principal amount so to be paid and to grant discharge for the same on their behalf, the Most Noble the Governor General of India in Council has authorized the Deputy Accountant General to allow the conditional transfer of such Notes to the open four per Cent. Loan, leaving it optional with the proprietors to confirm the transfer or to require payment in cash, when they shall be informed thereof; provided, however, that no notice disallowing a transfer will be received after six months from the present date.

No. 2164.

Notification,—Judicial Department,—Agra, the 2nd June, 1853.

THE rules prescribed in the Government Notifications of the 8th January and 15th October 1846, (published respectively in the *Agra Government Gazette* of the 20th January and 20th October 1846,) for the careful preparation of descriptive rolls of convicts sentenced to transportation beyond seas, being frequently neglected, the attention of officers in charge of jails is directed to the subject, and they are requested to satisfy themselves on every occasion, that the rolls have been strictly drawn out in conformity with the provisions of the Notifications above specified.

2nd. In addition to the rules formerly prescribed, it is further directed, that a copy of each descriptive roll be forwarded to the Inspector General of Prisons within one week from the departure of the prisoner towards the river station.

No. 18.

Notification,—Financial Department,—Fort William, the 6th June, 1853.

NOTICE is hereby given, that all the 5 per Cent. Promissory Notes of this Government of 1825-26, which have not been already advertized for payment, and are still outstanding, as also all the 5 per Cent. Promissory Notes of 1829-30, will be discharged at the General Treasury on the 7th of September next, on which day the interest thereon will cease.

Any of the Notes however hereby advertized for payment, may be tendered to the Sub-Treasurers at Fort William, Fort St. George and Bombay, to the several Residents, Collectors and other public Officers authorized to receive subscriptions to Government loans, and exchanged for acknowledgments of subscription to the 4 per Cent. loan of 1842-43.

These acknowledgments, together with the Promissory Notes for which they may have been issued, shall, without fee or expense of any kind to the Proprietors, be transmitted to the Deputy Accountant General at Calcutta, who will forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes in the 4 per Cent. loan of 1842-43.

Prompt settlement of principal and interest at the rate of 5 per Cent. per annum to the date of advertized discharge will be made with proprietors, who may tender their Notes for transfer to the 4 per Cent. loan of 1842-43; provided however that interest at the rate of 4 per Cent. shall be allowed only from the date advertized for the discharge of the 5 per Cent. Notes.

The fractional amount necessary to convert any Note into one of even hundreds in Company's Rupees at the prescribed rate of 16 Company's for 15 Sicca Rupees, will be either paid to or received from the Proprietor at his option.

It is further notified that, for the accommodation of Proprietors, who not being resident in India, and who have not furnished full powers to their Agents to receive the principal amount to be paid, the Most Noble the Governor General of India in Council has authorized the Deputy Accountant General to allow the conditional transfer of their Notes to the 4 per Cent. Loan of 1842-43, leaving it optional with the Proprietors to confirm the transfer or to require payment in cash; provided however that no notice disallowing a transfer will be received after six months from the present date.

No. 3563.

Notification,—Separate Rev. Department,—Agra, the 8th September, 1853.

At the request of the Gwalior Durbar, the Honorable the Lieutenant-Governor is pleased to give publicity to the following alteration in the duty levied upon Cotton exported from Bhind.

The Gwalior Durbar has resolved, that the duty upon each bullock load of Cotton exported from Bhind, which has hitherto been one rupee, shall in future be reduced to 8 annas.

Notification,—Financial Department, N. W. P.,—Agra, the 21st September, 1853.

THE following Notification is re-published for general information :—

No. 31.

Notification,—Financial Department,—Fort William, the 16th September, 1853.

NOTICE is hereby given that the 4 per Cent. Loan, dated 1st February 1843, is closed for the receipt of cash Subscriptions from this date at the Public Treasuries in Calcutta, and at all other Treasuries under the three Presidencies of Fort William, Madras and Bombay, as well as at the Treasuries under the Supreme Government and the Agra Government, from date of receipt of this Notification, after which date no further cash Subscriptions to that Loan will be received.

No. 1813.

Notification,—General Department,—Agra, the 22nd September, 1853.

THE following Extract from the Proceedings of the Governor General of India in Council, containing a Despatch from the Hon'ble Court of Directors relating to the grant of Pensions, under the Rules of 1831, to Officers in the Education Department, is published for general information :—

No. 2420.

Extract from the Proceedings of the Most Noble the Governor General of India in Council, in the Financial Department, under date the 2nd September, 1853.

Read the following Despatch from the Hon'ble the Court of Directors, No. 23 of 1853, dated the 20th July, admitting the servants of Government employed in the Educational Departments to the benefits of the General Pensionary Regulations of 1831.

No. 23 of 1853.

FINANCIAL DEPARTMENT.

Our Governor General of India in Council.

1. In the year 1846 you recommended the admission of the servants of Government employed in the Educational Department to the benefits of the General Pensionary Regulations of 1831.

2. Before deciding upon the question, we required to be furnished with returns of the Educational Institutions at the several Presidencies, to enable us to ascertain the expense of the measure which you had submitted to us. These returns were rendered in your letter of the 30th May 1848, and it appeared from them that the probable charges to the state for Pensions would amount to about Rs. 20,000 per annum on the strength of the Educational Establishment as existing at that time. Your financial position was then so unpromising, that, viewing the proposal as we were compelled to do, solely on financial grounds, we felt it necessary to postpone the boon, which on all other considerations we should willingly have conceded to the Educational servants.

3. In our despatch in this Department, dated 17th September 1851, No. 50, in reply to a Memorial from the body of Educational servants employed in the North

Western Provinces, we expressed our regret that we were still prevented, by financial considerations, from complying with their request for the grant of Pensions on retirement.

4. Our attention has again been given to the subject, and we have resolved now to withdraw the restriction as respects this valuable class of public servants, and to sanction their being admitted to participate in the privileges of the Pension Rules of 1831. We have also determined, with a view of showing our estimation of the importance of their services, that the Principals and Head Masters of Colleges or Schools shall be ranked in the same class with Law Officers and Native Judges, and in like

Vide Clause 3, Rule V. of the Pension Rules of 1831.

manner with them be qualified, if incapacitated by age or infirmity, to receive Pensions, equivalent to one-third of their average monthly salary, after fifteen years' service, and to one-half after a service of twenty-two years or upwards. This privilege must be confined to Principals and Head Masters. With regard to all other Educational servants, a service of twenty years will be a necessary qualification for the minimum rate of Pension.

5. The Pensions are to be granted only to servants attached to those Institutions that are wholly, or for the greater part, supported by our respective Governments, and not to those supported from other sources, and Pensions are not to be conceded to any class of persons inferior to those embraced in the abstract contained in your letter of 30th May 1848, above referred to, the total number of which was at that time 559 persons.

6. We desire that a copy of the foregoing paragraphs be transmitted to the Governments of Madras and Bombay, and to the Lieutenant-Governor, North Western Provinces, for their information and guidance.

We are, &c.,

(Sd.) RUSSELL ELLICE,

„ J. OLIPHANT,

AND OTHERS.

LONDON,
The 20th July, 1853. }

Ordered, that a copy of the Despatch above adverted to, be forwarded to the Governments of Bengal, Madras and Bombay, and to the Lieutenant-Governor of the North Western Provinces, for their information and guidance, with the intimation that Superannuation Pensions are to be granted only to those servants attached to the Educational Department who receive salaries above Rs. 10 per mensem, as laid down in the pension Regulations of 1831, which are adverted to by the Hon'ble Court in their Despatch abovementioned, Medical and Military servants employed in the Educational Department being excluded from the benefits of the Pension Rules in question.

Ordered also, that a copy of the same Despatch be transmitted to the Civil Auditor, for his information and guidance.

No. 3824.

Notification,—Judicial Department,—Agra, the 21st September, 1853.

It having been decided by the Court of Sudder Nizamut, that the control of the Jail Establishments is by Act XVIII. of 1844, vested exclusively in the Government;

the Honorable the Lieutenant-Governor has been pleased to promulgate the following rule:—

Whenever the Magistrate, or Superintendent, may punish, by dismissal or suspension, any person, holding an office in the Jail Establishment, his decision shall be final, and no appeal shall lie of right to the Sessions Judge, or any other authority. Provided that in any case in which the Inspector General of Prisons, or the Government, may see cause for interference, the sentence shall be liable to revision.

No. 1891.

Notification,—General Department,—Agra, the 8th October, 1853.

THE following Notification by the Most Noble the Governor General in Council, No. 644, dated the 30th ultimo, prohibiting the servants of Government from continuing to be Managers or Directors of Banks and Trading Companies after a period of 18 months from the date of the Notification, is re-published for general information.

(COPY.)

No. 644.

Notification,—Home Department,—Fort William, the 30th September, 1853.

With reference to the Notification No. 462, dated the 28th of May 1852, published in the *Calcutta Gazette* of the 5th June 1852, page 917, the Most Noble the Governor General in Council is pleased to notify for general information that, under instructions from the Honorable the Court of Directors, those servants of the East India Company, whether Civil or Military, Covenanted or Uncovenanted, who have hitherto been engaged as Managers and Directors of Banks and Trading Companies, cannot be allowed to continue in such occupations after the expiration of 18 months from the date of this Notification.

No. 4000.

Judicial Department,—Agra, the 13th October, 1853.

AT THE COURT AT BUCKINGHAM PALACE.

The 13th day of June, 1853,

PRESENT:—

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

LORD PRESIDENT.

LORD STEWARD.

DUKE OF NEWCASTLE.

DUKE OF WELLINGTON.

LORD CHAMBERLAIN.

EARL OF ABERDEEN.

EARL OF CLARENDON.

VISCOUNT PALMERSTON.

MR. HERBERT.

SIR JAMES GRAHAM, *Bart.*

WHEREAS there was this day read at the Board a Report from the Right Honorable the Lords of the Judicial Committee of the Privy Council, dated the 30th May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the Committee with a view to greater economy,

despatch, and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty, that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain Rules and Regulations therein set forth should henceforth be observed, obeyed, and carried into execution, provided Her Majesty is pleased to approve the same.

Her Majesty, having taken the said Report into consideration, was pleased, by, and with the advice of her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, *videlicet* :

I. That any former usage or practice of Her Majesty's Privy Council notwithstanding, an appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the appeal from the respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

II. That the Registrar, or other proper Officer having the custody of records in any Court or special jurisdiction, from which an appeal is brought to Her Majesty in Council, be directed to send by post, with all possible despatch, one certified copy of the transcript record in each cause to the Registrar of Her Majesty's Privy Council, Whitehall; and that all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from, and that such transcript be accompanied by a correct and complete index of all the papers, documents and exhibits in the cause, and that the Registrar of the Court appealed from, or other proper officer of such Court, be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers, and that especial care be taken not to allow any document to be set forth more than once in such transcript, and that no other certified copies of the record be transmitted to agents in England, by, or on behalf of the parties in the suit, and that the fees and expenses incurred and paid for the preparation of such transcript, be stated and certified upon it by the Registrar or other officer preparing the same.

III. That when the record of proceedings or evidence in the cause appealed has been printed, or partly printed abroad, the Registrar, or other proper officer, of the Court from which the appeal is brought, shall be bound to send home the same in a printed form, either wholly, or so far as the same may have been printed; and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the Court appealed from, to these copies, with the sanction of the Court.

And that in all cases in which the parties in appeals should think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause 50 copies of the same to be printed in folio, and transmitted at their expense, to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the officers of the Court appealed from, and in this case no further expense for copying or printing the record will be incurred or allowed in England.

IV. That on the arrival of a written transcript of appeal at the Privy Council Office, Whitehall, the appellant, or the agent of the appellant prosecuting the same, shall be at liberty to call upon the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the respondent or his agent may require, to be printed by

Her Majesty's Printer, or by any other Printer on the same terms, the appellant or his agent engaging to pay the cost of preparing a copy for the Printer, at a rate not exceeding one shilling per brief sheet, and likewise the cost of printing such record or appendix, and that one hundred copies of the same be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee, and that no other fees for solicitor's copies of the transcript, or for drawing the joint appendix, be henceforth allowed, the solicitors on both sides being allowed to have access to the original papers at the Council Office, and to extract, or cause to be extracted, and copied, such parts thereof as are necessary for the preparation of the petition of appeal, at the stationer's charge, not exceeding one shilling per brief sheet.

V. That a certain time be fixed within which it shall be the duty of the appellant or his Agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript, and the registration thereof in all matters brought by appeal from Her Majesty's Colonies and Plantations East of the Cape of Good Hope, or from the Territories of the East India Company, and within the space of three months, in all matters brought by appeal from any other part of Her Majesty's Dominions abroad; and that in default of the appellant or his Agent taking effectual steps for the prosecution of the appeal, within such time or times respectively, the appeal shall stand dismissed without further order, and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council at their Lordships' next meeting.

VI. That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the Agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such questions of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same, provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements, and simplification of the matter in dispute, the Registrar of the Privy Council may call the Agents of the parties before him, and having heard them, and examined the transcript, may report to the Committee as to the nature of the proceedings.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing Rules and Regulations be punctually observed, obeyed, and carried into execution in all appeals or petitions, and complaints in the nature of appeals, brought to Her Majesty or to Her Heirs and Successors in Council, from Her Majesty's Colonies and Plantations abroad, and from the Channel Islands, or the Isle of Man, and from the Territories of the East India Company, whether the same be from Courts of Justice, or from special jurisdictions, other than appeals from Her Majesty's Courts of Vice Admiralty, to which the said Rules are not to be applied.

Whereof the Judges and Officers of Her Majesty's Courts of Justice abroad, and the Judges and Officers of the Superior Courts of the East India Company, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

No. 4001.

Notification,—Judicial and Revenue Department,—Agra, the 13th October, 1853.

It is hereby intimated, that all Covenanted Junior Civil Servants attached to the North Western Provinces, not holding permanently appointments of Rs. 700 per mensem, or upwards, shall be subject to examination as regards their knowledge of Law, Official practice, and Vernacular language.

From and after the month of March 1854, no such Civilian will be promoted, until he has passed the prescribed examination; and promotion will thereafter be usually made according to the order of passing.

No. 3102.

Notification,—Financial Department, N. W. P.,—Agra, the 2nd November, 1853.

The following Notification is re-published for general information:—

No. 33.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

NOTICE is hereby given that no claim, under the Notifications dated 23rd of April and 6th of June last, by Proprietors of the Five per Cent. Sicca Loans, to transfer the amount of their Notes into the Four per Cent. Loan of 1842-43, will be recognized after the 28th of November next.

No. 34.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

Notice is hereby given that all the Notes of the Five per Cent. Loan, bearing date the 30th of June 1841, from No. 19001 to the last number on the Register, will be discharged at the General Treasury in Calcutta on the 30th of January next, on which date the Interest thereon will cease.

Proprietors of the Notes hereby advertised for payment are permitted, on or before 30th of January next, to transfer the amount of their Promissory Notes into a new Loan, which shall bear Interest at the rate of Four per Cent. per annum, payable half-yearly on the 31st of December and on the 30th of June.

Proprietors who may transfer their Promissory Notes into this new Loan, through the Government Agent, shall not be subjected to the payment of the Fees prescribed in the Rules of the Government Agency for transferring Notes from one Loan to another.

All Officers authorized to receive subscriptions to Government Loans are hereby required to receive applications in writing from individuals who may desire to transfer the amount of their loans into the new Four per Cent. Loan.

These applications, together with the Promissory Notes in reference to which they may have been received, shall, without fee or expense of any kind to the proprietor, be transmitted to the Deputy Accountant General at Fort William, who will forthwith cause an entry to be made on the face of the Note, acknowledging the transfer, and giving the number of the Note on the Register of the new Loan.

This entry shall be deemed tantamount to the issue of a new Note bearing Interest at Four per Cent. per annum, payable half-yearly, on the 31st of December and the 30th of June, and shall be in the following form:—

"No. — of the Four per Cent. Loan of 1854-55,

By Transfer.

"Interest is payable on this Note at the rate of 4 per Cent. per annum, by "half-yearly instalments, on the 31st December and the 30th of June."

Prompt settlement of the Principal and Interest at the rate of Five per Cent. per annum to the date of advertised discharge, will be made with proprietors who may tender their Notes for transfer into the new Loan; provided, however, that the Principal only will be transferred, and that the Interest, up to the 30th of January inclusive, will be discharged in Cash, as well as anticipation Interest up to the 30th of June 1854.

It is further notified that the Most Noble the Governor General in Council has, for the accommodation of proprietors who are not in India, authorized the Deputy Accountant General to allow the conditional transfer of their Notes to the new Four per Cent. Loan, on the application of agents or friends, leaving it optional with the proprietors to confirm the transfer or to require payment in Cash; provided, however, that no notice disallowing the transfer will be received after six months from the present date.

The Promissory Notes of the new Loan will not be re-payable until after the expiration of three months from notice of payment duly advertised in the *Calcutta Gazette*, under the authority of the Governor General of India in Council.

No. 35.

Notification,—Financial Department,—Fort William, the 28th October, 1853.

Notice is hereby given that the Sub-Treasurers at Fort William, Fort St. George and Bombay, the several Residents at Native Courts, and the several Collectors of Land Revenue under those Presidencies, as well as the Collectors and others in charge of Treasuries under the Supreme Government, and the Government of the North Western Provinces, have been authorized to receive, until further orders, any sums of money in even hundreds, of not less than 500 of Company's Rupees, which may be tendered on loan to the East India Company at an Interest of three and a half per centum per annum, subject to the provisions hereinafter specified.

All authorized public demands, including audited Bills for arrears of Salary, and Bills of Exchange on the public Treasuries, these last being subject to a deduction at the rate of three and a half per centum per annum for the period they may have to run, will be received as Cash at par.

The Pay-Masters of the Army under the several Presidencies are also authorized to transfer any demands which may be payable by them respectively to this Loan, and to grant drafts for the amounts, in Bengal and Madras on the Accountant General, and in Bombay on the Military Pay-master General, which drafts shall be received by those Officers in payment of Subscriptions to this Loan, on being tendered to them for that purpose.

The several public Officers, authorized to receive subscriptions into this Loan, will grant acknowledgments in the following form, for all sums received by them respectively:—

"I hereby acknowledge that A. B. has this day paid into the East India Company's Treasury the sum of Company's Rupees _____ for
"which he is entitled to receive a Promissory Note, bearing Interest from
"the (28th February or 31st of August next as the case may be), of the
"tenor, and subject to the conditions of the Loan specified in the Advertisement published in the *Calcutta Gazette* of the 28th October 1853."

The Deputy Accountant General at Fort William will, on the said acknowledgments being delivered, forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes under the signature of the Secretary to the Government of India, in the following form:—

“FORT WILLIAM, THE 28TH FEBRUARY, 1854.

“Promissory Note at three and a half per centum for Company’s Rupees
 “ . The Governor General of India in Council does hereby
 “ acknowledge to have received from A. B. the sum of Company’s Rupees
 “ as a Loan to the East India Company, and does hereby promise for and
 “ on behalf of the said Company to re-pay the said Loan, by paying the said sum of
 “ Company’s Rupees to the said A. B. his Executors or Adminis-
 “ trators, or his or their Order, on demand, at the General Treasury of Fort William,
 “ after the expiration of three months’ Notice of payment to be given by the Governor
 “ General of India in Council in the *Calcutta Gazette*, and to pay the Interest accruing
 “ on the said sum of Company’s Rupees at the rate of three and
 “ a half per centum per annum, by half-yearly payments at the General Treasury of
 “ Fort William, to the said A. B., his Executors or Administrators, until the expira-
 “ tion of three months after such notice of payment as aforesaid, when the amount
 “ of Interest due will be payable with the Principal, and (such notice being considered
 “ equivalent to a tender of payment at the period appointed for the discharge of the
 “ Note) all further Interest shall cease.

“ Signed by the authority of the Governor General of India in Council.

“ *Secretary to the Govt.*”

“ *Accountant General’s Office,*
 “ *Registered as No. of* } ”

The several Officers authorized to receive subscriptions will, on application from the holders of acknowledgments, transmit them (free of every expense whatever) to the Deputy Accountant General at Fort William, to be exchanged for Promissory Notes, bearing Interest from the 28th of February or 31st of August next ensuing after the date of subscription. The Interest accruing on the broken period of the half year that may intervene between the date of subscription and the 28th of February or 31st August next ensuing, as the case may be, will be paid up at the time of granting the acknowledgment.

Proprietors of Notes or acknowledgments, who may desire to have the Interest payable at any other public Treasury than at the General Treasury of Calcutta, shall be entitled to receive it accordingly, provided they notify their wish to the Deputy Accountant General at Fort William, and transmit the Notes or acknowledgments to him, to have an Order for the payment of Interest at the said Treasury written on the face of the Notes under the signature of the said Officer or that of his Assistant, and after such Order shall, on the application of the proprietor, be inscribed on any Note, the Interest shall be payable only from the said Treasury, unless the proprietor shall present the Note with an application, for the purpose of transferring the payment elsewhere to the Deputy Accountant General at Fort William.

The Promissory Notes of this Loan shall not be renewed, sub-divided or consolidated, except by the Deputy Accountant General at Fort William. The practice and rules heretofore in use in regard to the renewal, sub-division, and consolidation of Promissory Notes, will be adhered to.

No. 4199.

Notification,—Judicial Department, Camp Benares, the 5th November, 1853.

THE Hon'ble the Lieutenant-Governor is pleased to direct Civil and Sessions Judges to submit their applications for leave of absence through the Court of Sudder Dewany and Nizamut Adawlut, such applications to be always accompanied by a statement of the number of cases remaining undecided at their date, on the several Civil and Criminal files of the Judge's Office.

2nd. Should the Sudder Court see reason to recommend a compliance with the application, they will attach a memorandum to that effect to the letter of the Judge in forwarding it to the Secretary's Office, otherwise the Court will (after any previous communication with the Judge which they may think proper) submit the application, with their remarks, for the Orders of Government.

3rd. In cases of illness or emergency, a copy of the application made to the Court, may be forwarded direct to the Secretary to the Government.

No. 4257.

Notification,—Judicial and Rev. Dept.,—Camp Benares,—the 14th November, 1853.

ALL Deputy Collectors and Deputy Magistrates, who have a sufficient conversancy with the English language, to enable them readily to apprehend and give written answers in that language to questions on law and official practice, are to be regarded as liable to the same examination, (according to the functions in the Judicial or the Revenue Departments which may be assigned to them,) as are prescribed for Covenanted Assistants.

No. 2132 A.

Notification,—General Department,—Camp Benares,—the 17th November, 1853.

THE Lieutenant-Governor is pleased to publish for general information the following Rules for the management of Charitable Dispensaries within the North Western Provinces, supported or aided by the Government.

1st. The Collector, Magistrate and Civil Surgeon of the District shall be ex-officio Members of the Local Committee of Management.

2nd. The Government may appoint any other person, whether a public servant or a subscriber of the Dispensary, to be a Member of the Committee.

3rd. The Commissioner of the Division shall be ex-officio a Member of the Committee, and shall preside at any Meeting at which he may be present. He shall have a casting vote, in addition to his own vote, if present; and a casting vote if absent, when opinions are equally divided.

4th. All correspondence between the Government and the Local Committee shall be conducted through the medium of the Commissioner.

5th. Each Committee shall submit to Government, through the Commissioner, Half-yearly Returns (made up to June 30th and December 31st in each year) of the number of patients treated, and of all the receipts and disbursements in the accompanying forms. These Returns are exclusive of the professional Reports submitted to the Medical Board.

6th. Each Committee shall appoint its own Secretary, whose duty it is to see that proper Returns and Accounts are kept.

7th. Each Committee shall keep a book, in which are to be entered Minutes of all its Proceedings and Resolutions. The Proceedings of every Meeting shall be attested by the Members present.

8th. In all matters of a strictly professional description, the Committee shall be guided by such instructions as they may receive from the Superintending Surgeon of the Division.

Half-yearly Return of Patients treated in the -
the - to the -

Charitable Dispensary from

	Remaining on the	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.
In-door Patients, -- --									
Out-door Patients, -- --									
Total, -- --									

Half-yearly Cash Account of the -
Dr.

- Charitable Dispensary from the -

- to the -
Cr.

To Balance in hand on the					By Amount Pay of Establishment from				
„ Subscriptions collected from to					„ Amount paid for supplied to the In-patients at				
„ Government Donations drawn from the month of - up to - at Rs. - permensem, under orders dated the					„ Ditto for half-yearly supply of clothes to the In-patients in last				
„ Interest upon Government Promissory Notes drawn in &c. &c.					„ Ditto do. paid to Extra Native Doctors employed in				
					Balance in hand,				
Total, Co.'s Rs. --					Total, Co.'s Rs. --				

No. 4394.

Notification,—Judicial and Rev. Dept.,—Camp Mirzapore,—the 26th November, 1853.

WHERE leave of absence, whether on Medical Certificate, or on Private Affairs, is granted without specification of the date of commencement, it may be taken from any date within one month after the date of the Government Order. If not taken in that period, a fresh application will be necessary.

No. 2405.

Notification,—General Department,—Camp Goorsahaigunge,—the 29th December, 1853.

THE following Rules, relating to the Pay and Allowances of Sub-Assistant Surgeons, having been sanctioned by the Most Noble the Governor General in Council, are published for general information:—

1st. A Sub-Assistant Surgeon, when acting for another, will draw the pay of his rank, without reference to the station at which, or the person for whom, he acts.

2nd. Sub-Assistant Surgeons who have passed the Medical College, but who have not been posted, will receive, until further orders, an allowance of Rs 50 per mensem, from the date of their submitting a written declaration to the Medical Board of their intention to accept Government employ, and they will at once be distributed as supernumeraries in Bengal and the North Western Provinces, as the wants of the public service may require.

3rd. During the period which intervenes between a Sub-Assistant Surgeon's employment in one situation and his appointment to another, he will draw the pay of his rank, unless his removal from his last appointment be caused by any fault of his own.

No. 2404 A.

Notification,—General Department,—Camp Bewar,—the 28th December, 1853.

THE Hon'ble the Lieutenant-Governor has been pleased to appoint the Superintending Surgeons of Divisions, within the North Western Provinces, to be Ex-officio Members of the Dispensary Committees within their several circles, and, as such, authorized and expected to take part in the proceedings of the Committees, whenever present at their respective Stations.

The proposals referred to in the subjoined Extracts, from a Report of the Medical Board, are approved and promulgated by His Honor, as rules supplemental to those contained in Circular No. 3132 A., dated the 17th ultimo.

Extract of a letter from the Medical Board, No. 1055, dated 30th November 1853, in reference to a Memorandum by Hugh Guthrie, Esq., M. D., Superintending Surgeon, Benares Circle, and T. Leckie, Esq., M. D., Civil Surgeon, Benares.

Paragraph 3.—“We would recommend the adoption of the 2nd proposal of

- “2. To stimulate the zeal of Sub-Assistant Surgeons, and as a check upon their duly entering the symptoms and treatment of House Patients in the Register prescribed for this purpose, a detailed report of one Medical and one Surgical case to be submitted monthly for the information of Superintending Surgeons through the Civil Surgeon, who should certify that the cases as reported are correct transcripts from the original copies entered in the Register. These cases to be returned through the same channel to the Sub-Assistant Surgeon with the remarks of approval or otherwise, for the information and instruction of the Medical Subordinates concerned. In addition to these, all fatal cases of capital operations to be prepared, submitted and dealt with in like manner.”

the memorandum, remarking that the greater part of it is already in force.”

Paragraph 5.—“The first part of the 4th proposal is already in operation. Its

- “4. Sub-Assistant Surgeons to be encouraged to communicate personally with the Superintendents of Dispensaries upon Medical subjects occurring in their daily practice. In furtherance also of their mental improvement by keeping them informed as to new modes of practice, and the discoveries in medicine and its allied sciences, it is suggested that a small supply of cheap recent publications, such as Braithwaite's and Ranking's half-yearly Volumes, Bird on Urinary Deposits, Billing on Disease of the Heart and Lungs, or other Brochures on special forms of disease as may be approved of by the Medical Board, be transmitted to Superintending Surgeons for distribution amongst Sub-Assistant Surgeons in their respective circles. One month to be allowed for the perusal of each volume, previous to the book being returned; the Civil Surgeon or Superintendent to certify to the Superintending Surgeon that he examined the Sub-Assistant Surgeon upon the general contents of the publication, and has satisfied himself that the latter has made himself acquainted with the new matter or subjects treated of in the said volume. In that case the Book to be passed on to the next Sub-Assistant Surgeon in rotation, or otherwise, the Book to be retained for another month by the Sub-Assistant Surgeon, and the cause of detention reported to the Superintending Surgeon.”

latter portion we consider very judicious, and worthy of receiving sanction.”

CIRCULAR ORDERS
OF THE
SUDDER DEWANNY ADAWLUT,
NORTH WESTERN PROVINCES,
FOR 1853.

No. 33.

Agra, the 5th January, 1853.

To the Civil Authorities in the North Western Provinces.

THE Court circulate, for general information, the following amended Persian translation of Article XLV., Schedule A., Regulation X. of 1829.

هر دستاویز یا رقعہ یا یادداشت یا نوشتہ دیگر کہ بتقریب ادای زر نقد (بمضمون اظهار یا قرار وصول شدن یا تصفیہ یافتن یا بوجہ دیگر مودعی شدن هلیچک زر نقد یا دین یا دعوی یا جزوے ازان کہ تصریح آن در آن باشد) داده شود همچو دستاویز وغیرہ بمنزل رسید مبلغی کہ اقرار وصول یا مودعی شدن آن بطور مذکورہ بالا در آن مندرج شد منظور خواهد شد *

No. 37.

Agra, the 10th January, 1853.

To the Civil Authorities in the North Western Provinces.

THE Court notify that, by their decision, which will be published in due course,

* Koor Mohesh Doss, (Plaintiff.) Appellant,
versus

Jos. Skinner, Esq., Captain Jas. Skinner, Captain H. Skinner, Alexander Skinner, Esq., and Thos. Skinner, Esq., heirs of the late Colonel Skinner, C. B., (Defendants.) Respondents.

in the case noted in the margin,* it has been ruled that one or more of several plaintiffs in the same case, appearing as appellants, are bound to make their co-plaintiffs, not joining in the appeal, respondents, before the appeal can be heard.

No. 466.

Agra, the 14th March, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

THE Court, having been led to believe that the rule laid down in Section 4, Regulation XII. of 1803, and Section 2, Regulation XVIII. of 1817, prescribing a

declaration to be made and subscribed by certain Native Officers of the Civil and Criminal Courts previous to entering upon the execution of the duties of their offices has not been strictly enforced, are pleased to direct attention to the same, and to enjoin a careful observance of it in future, as well as in all cases in which it may not hitherto have been complied with.

No. 565.

Agra, the 30th March, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

WITH the sanction of the Government in reference to Act VIII. 1852, the Court circulate, for general information, the following scale of fees on account of the execution by the Sheriff of Calcutta of legal Processes issued by any Court, Judge or Magistrate, in the North Western Provinces.

<i>Names of Processes.</i>														<i>Rates of charges for executing each Process.</i>
Summons,	--	--	--	--	--	--	--	--	--	--	--	--	--	2 Rupees.
Writs of execution against effects,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.
Notices,	--	--	--	--	--	--	--	--	--	--	--	--	--	2 ditto.
Dustucks,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.
Proclamations,	--	--	--	--	--	--	--	--	--	--	--	--	--	2 ditto.
Subpœnas,	--	--	--	--	--	--	--	--	--	--	--	--	--	2 ditto.
Writs of execution against persons,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.
Warrants for apprehension of witnesses,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.
Sequestrations,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.
Warrants for security to be furnished by defendants,	--	--	--	--	--	--	--	--	--	--	--	--	--	4 ditto.

No. 606.

Agra, the 5th April, 1853.

To the Civil and Criminal Authorities in the North Western Provinces.

THE Court notify, for the guidance of the Civil and Criminal Authorities in the North Western Provinces, that the procedure laid down in Act I. of 1848 is restricted by the terms of that enactment to *deeds and papers offered in evidence against the adverse party*. In all other cases of forgery brought to light in the course of judicial proceedings, the Circular Order of the 13th March 1846, No. 225, which directs the Courts to conform strictly to the rules prescribed for adoption in cases of perjury by the provisions of Section 2, Regulation III. of 1801, Section 3, Regulation VIII. of 1813, Section 14, Regulation IV. of 1793, corresponding with Section 8, Regulation III. of 1803, and Section 14, Regulation XVII. of 1817, is to be regarded as the authoritative rule of procedure.

2nd. The Court further notify that it has been held that under the existing state of the law, charges of fraud and conspiracy brought to light in the course of judicial proceedings must be prosecuted by the aggrieved party in the Criminal Court, and that the Courts have no power of initiating the proceedings in such cases.

CIRCULAR ORDERS OF THE

No. 1442.

*Agra, the 9th September 1853.**To the Civil Authorities in the North Western Provinces.*

THE rule contained in the Court's Circular Orders of the 31st August 1838, which directs that whenever in a case, remanded for re-trial, the vakeels of the parties may represent that they have received no instructions to go on with the case, or that they are not prepared to proceed with it, notices shall be issued to the parties, having been found in practice to cause considerable delay in resuming the investigation and decision of such cases, and to give rise to the belief that the vakeels are at liberty to withdraw from the further prosecution of a remanded suit, and that in the event of such withdrawal, the parties must incur the expense and trouble of appointing new vakeels under the usual penalties for default: the Court are pleased to rescind the rule, and to direct that on the receipt of a case, remanded for further investigation or re-trial, in which the vakeels of the parties may be in attendance, they shall be required at once, and without any previous reference to their clients, to proceed with the case in the same manner as if no decision had been passed on it.

The Court observe that under the provisions of Section 34, Regulation XXVII. of 1814, the vakeels, entertained in a Regular suit, are required *without any additional fee* to make all motions, and do all acts which may be necessary until the suit has been *finally* disposed of, for which purpose it has been declared by the Construction No. 852, that a vakalutnameh, executed on the original institution of a suit, unless cancelled by the parties, or otherwise set aside, must be considered operative and in full force until the final judgment shall have been enforced; and as the remand of a case for re-trial, which necessarily carries with it the reversal of the decision of the Court, to which it is returned, manifestly restores the suit to the *status quo ante*, the vakeels, previously entertained, cannot be allowed to withdraw, or to object to proceed with the case solely by reason of the order of remand. It will be their duty, however, in such circumstances to notify, without loss of time, the fact of the return of the case to their clients, and to be guided by the instructions which they may receive from them in their future conduct of the suit.

No. 1582.

*Agra, the 1st October, 1853.**To the Civil Authorities in the North Western Provinces.*

In continuation of the Circular Order of the 29th May 1835, No. 148, Volume II., the Court of Sudder Dewanny Adawlut North Western Provinces, order that the Schedule, directed by the Circular Order of the 27th February 1835, (No. 135 of Volume II.) shall include all real property purchased by the Native Judges, subject to their control, whether in their own names, or the names of any of their relatives or other party.

No. 1707.

Agra, the 7th November, 1853.

To the Civil Authorities in the North Western Provinces.

THE attention of the Court having been directed to the want of uniformity which has been found to prevail in fixing the issues for trial in Regular Civil Suits, and to the loose and careless manner in which some of the Courts are in the habit of drawing up the proceeding required by Clause 3, Section 10, Regulation XXVI. of 1814, and Act No. XV. of 1850, whereby the whole object of those enactments is defeated, they are pleased, in addition to the instructions already promulgated on the subject in their Circular Order, 16th May 1848, No. 45, and 4th January 1841, No. 127, to lay down the following general rule, which they desire may be carefully observed for the future, by all the Courts in these provinces, to which the Regulation and Act above quoted extend.

2nd. The Court positively prohibit the introduction, into the proceeding in question, of any part or abstract of the pleadings of the parties, or of any detail of what may have been done in the case, and direct that the body of the proceeding shall be strictly confined to a succinct record of the points at issue between the parties, whether of law or of fact, as they may appear from the pleadings, and which will be numbered 1, 2, 3, &c. consecutively, according to the arrangement indicated in Paragraph 2 of the Circular Order, 13th September 1843, No. 33. The order at the foot of the proceeding shall simply require the parties to exhibit within a given time, which shall invariably be fixed by the Court, whatever proofs or evidence they may desire to adduce on those points, without any specification of particular documents, or the names of particular witnesses.

3rd. The Court observe that it is frequently the practice of the Courts of 1st instance to set down in the proceeding held under the above Section every allegation, whether material or immaterial to the cause, that may have been advanced by the parties on either side of the case, and to call upon the parties for their proofs in support or refutation of this confused mass of statements and counter-statements, without attempting to discriminate and arrange the real issue or issues of the case. It is therefore necessary to remind them that it is their duty under that Section to reduce the matter of the pleadings to certain determinate issues, and that for this purpose it is incumbent on them to confine themselves in the proceeding to the selection of the points directly material to the cause which are in dispute, and to avoid at this stage of the case any further detail of the allegations which may have been put forward by the parties merely in explanation or affirmation of the main facts. The judicial acumen and proper understanding of the case by the presiding Officer are shown by the manner in which this proceeding is drawn up, and the importance of the proper performance of the rule has been already insisted upon in the Circular Order of the 16th May 1848, above referred to. The duty of the Appellate Court in carrying out the rule has been already noticed in the Circular of the Court of the 16th November 1852, No. 1886.

4th. The proceeding will be headed as in the margin,* and must be drawn up by the presiding Judge, with his own hand, in conformity

* Proceeding of ——— under Clause 3, Section 10, Regulation XXVI. of 1814, dated ——— in the case of ——— versus ——— claim ———.

with the rule contained in Section 2, Act No. XV. of 1850; and the Court will expect the Zillah and, City Judges in their future Annual Civil Reports, particularly to notice the degree of attention

which has been paid to these orders by the several Judicial Officers subordinate to them, and the manner in which they have been carried into effect.

CIRCULAR ORDERS OF THE

No. 1999.

*Agra, the 22nd December, 1853.**To the Civil Authorities in the North Western Provinces.*

THE Court of Sudder Dewanny Adawlut, having had occasion to notice the existence of frequent misapprehension as to the precise stage in the proceedings of a case, up to which an adjustment by razeenamah entitles a plaintiff to a refund of the entire value of the stamp used in the plaint, direct that should the razeenamah be filed before the completion of the pleadings, or before the expiration of the eight days' proclamation prescribed by Clause 1, Section 12, Regulation XXVI. of 1814, as required to issue before the case can be brought on for hearing, the plaintiff is entitled to the refund of the full value of the stamp. Should this stage of the proceedings be allowed to pass, he can only recover one-half of the abovementioned amount.

2nd. The Court further direct that all certificates, granted by the Civil Authorities for the refund of the stamp duty in adjusted cases, shall specify the precise stage of the suit at which the razeenamah was filed.

No. 798 of 1853.

*Agra, the 3rd May, 1853.**To the Civil and Sessions Judges in the N. W. Provinces, and Commissioners' information.*

I AM directed by the Court to forward for your information, the accompanying copy of a Resolution of the Government of India, dated the 7th January last, and with reference to its two last paragraphs to request that, whenever you may deem it desirable that an Uncovenanted Judge should be removed from one district or division to another, you will, in communication with the Commissioner, report the circumstance to the Court.

(Copy.)

RESOLUTION.

IN the above petition were alleged grave and unqualified general charges against the whole class of Uncovenanted Judges employed under Government, and although, from their nature, it was impossible that such general charges could be formally investigated, the Governor General in Council was desirous that every possible enquiry should be made, and that all available information should be obtained, in regard to the working of the uncovenanted agency employed in the Judicial Department in all the Presidencies. With this object, the Local Governments were called upon to report their own and their respective Sudder Courts' opinions regarding the character and qualifications, as a body, of the Native Judicial Officers employed under them.

The tenor of the replies which have been received from the several Presidencies is such as to convince His Lordship in Council, that the charges advanced generally by the Petitioners against this useful class of public servants, are greatly exaggerated; and he believes that he may accept, with confidence, as generally applicable, the gratifying assurance of the Sudder Court of Calcutta, that, "as a body, the Uncovenanted Judges have advanced, and are greatly advancing, in probity, good conduct, and the knowledge requisite for the discharge of their responsible duties."

The Petitioners suggest three measures for the remedy of the evils under which they conceive themselves to labor, from defects in the present system.

1st. The periodical removal from one district to another, of the Uncovenanted Judges, and the Serishtadars and Peishkars of the Covenanted Civil and Criminal Judges.

2nd. The extension of the grounds for special appeal, and

3rd. The examination of witnesses, in civil cases, by the presiding Judge himself.

Of these three measures, the two last have been already considered, and will be introduced by two Draft Acts, (one "for amending the Law of Special Appeals," and the other "to amend the Law of Evidence in the Civil Courts,") which are now under the consideration of Government in the Legislative Department. These two measures, therefore, need not be further noticed now.

In regard to the question of the advantage or disadvantage of the frequent removal of Native Judicial Officers, the opinions of the authorities who have been consulted are much divided. On the whole, the Governor General in Council thinks that Uncovenanted Judges should not be moved periodically, of necessity, or as a matter of course. At the same time, he is of opinion that it is really objectionable that such Officers should be allowed to remain for an unduly long period in one place.

He believes that, without adopting any such general system of periodical removal from district to district, as is proposed, the Executive Government has it always in its power unobjectionably to make such changes of post as, taking both the good and the evil of changes into consideration, are believed to be, upon the whole, good for the public service. There are always some stations less desirable than others, and it is reasonable that, for the most part, Juniors should commence their service in any grade at other than favorite stations. So also it is very proper that deserving Officers, who have done good service in unpopular stations, should be transferred in due time to more desirable places, and whenever it happens that a Native Judge has become really less useful, by reason of his having been fixed for a great length of time in one society, and at one station, he should be removed elsewhere, on that account, without unnecessarily involving in a general change others whose removal will be of no public benefit.

(True Copy.)

A. R. YOUNG,

Under-Secy. to the Govt. of India.

No. 2011 of 1853.

Agra, the 24th December, 1853.

To the Civil and Sessions Judges of the N. W. Provinces.

WITH reference to the Notification of the Secretary to Government No. 4199, of the 5th November, published in the *Gazette* of Tuesday, November the 15th, directing Civil and Sessions Judges to submit their applications for leave of absence through this Court, I am directed to forward, for your information and guidance, the accompanying Extract from a letter from the Secretary to Government, requesting that in the statement of pending cases attached to such applications, the number of Civil cases pending may be entered under two heads; the one of original suits and regular appeals, the other of miscellaneous applications, and appeals of all other descriptions.

Extract paragraph 2nd, of a Letter from the Secretary to Government N. W. Provinces, dated the 17th December 1853, to the address of the Register to the Court of Sudder Dewanny and Nizamut Adawlut, North Western Provinces.

Para. 2. The Lieutenant-Governor remarks that in the statement of pending cases attached to such applications, all the Civil cases should not be added together and shown in the aggregate under one general head. There may most conveniently be two sub-divisions of Civil cases, one of original suits and regular appeals, and the other of miscellaneous applications and appeals of all descriptions. •

CIRCULAR ORDERS
OF THE
NIZAMUT ADAWLUT,
NORTH WESTERN PROVINCES,

For 1853.

No. 72.

Agra, the 13th January, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court notify, that the mode of procedure, prescribed in Criminal trials by the General Regulations, is applicable to trials held under Section 6, Act VII. of 1845, for breaches of the Canal Rules.

2nd. The Court further direct, that the records of all cases, disposed of under the enactment by the Officers invested under Section 8 thereof with the powers of Joint Magistrates, be sent by them respectively, at the end of each month, to the Magistrate of the Zillah, within which their Jurisdiction lies, who will place them among the records of his Court, and enter the cases in his periodical returns under the heading "Canal Laws, breach of," which is to be introduced into the Schedule of Miscellaneous offences published with the Circular Order No. 398, dated 11th April 1850, in its appropriate place under letter C.

No. 227.

Agra, the 29th January, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court, having remarked in the Monthly Statements several instances in which prisoners, who were apparently guilty of the offence of receiving stolen property knowing it to have been stolen, were committed to the Sessions Court for trial on a charge of knowingly keeping stolen property in their possession, which charge does not necessarily imply that the property so retained was received with the knowledge that it had been stolen, deem it expedient to call attention to the distinction, pointed out in the Circular Orders Nos. 124 and 215, dated 12th August 1813 and 25th January 1819 respectively, between the *receipt* of stolen goods with a criminal knowledge, which is a *felony*, and the act of retaining possession of them when the knowledge of their having been stolen has arisen subsequently to their receipt, which is a simple *misdemeanor*, and to enjoin greater care and precision in future in framing indictments in cases of the kind in question. The Court further observe that, whenever there may be any

doubt as to whether the higher or lower grade of offence has been committed, the charge should always be made for the higher grade, on the principle already laid down in paragraph 16, of the Circular Order No. 54, dated 16th July 1830.

No. 301.

Agra, the 12th February, 1853.

To the several Criminal Authorities in the North Western Provinces.

THE Court circulate, for general information, the following questions addressed to the Advocate General, and that Officer's replies to them.

QUESTIONS.

1st. Whether in the event of a British-born subject *out* of Calcutta evading or disregarding a subpoena to attend to give evidence before a Mofussil Magistrate, the latter can issue his warrant to have the witness brought up for the purpose of giving his evidence, which includes the further question of what power can be exercised, or procedure followed by a Mofussil Magistrate for the punishment of a British subject refusing to give evidence after being brought before him?

ANSWERS.

I. I am of opinion that a British subject, resident in the Mofussil, is not exempted from appearing as a witness in a criminal case pending in the Courts of the East India Company, and that the Magistrate has full power to summon such British subject, who ought to obey such summons and attend; and if this be so, then I think it follows that the Magistrate may enforce the attendance of such British subject as he would enforce the attendance of any other witness. In summoning a British subject, and in enforcing obedience to such summons, the Magistrate should be guided by the law of procedure in his own Court, which appears to me to be equally applicable to all persons summoned by him as witnesses; and he may therefore, if he thinks fit, and the evidence of the witness is material, proceed under Regulation IV. of 1793, Section 6, and seize the witness and bring him before his Court.

I think, however, that the Mofussil Magistrate has no power to punish a witness if he refuses to give evidence when brought before him; for, although the British subject has no privilege exempting him from appearing as a witness in the Courts of the East India Company, yet he has a privilege, exempting him from punishment by a Mofussil Court, except in certain cases, and this is not one of such cases.

If the case should ever arise of a British subject, refusing to give material evidence when summoned by, or brought before, a Mofussil Court, I would recom-

mend the Government to indict him in the Supreme Court for an obstruction of justice. It seems that an indictment will lie when the Court, whose process is disobeyed, has no power to attach [Russel on Crimes, 497, Note 2], and the Supreme Court is bound to take judicial cognizance of the existence of the Mofussil Criminal Courts, and I therefore think the Supreme Court is bound to punish an offence committed by a British subject, which is an obstruction of justice in such Courts. I think that if it were proved that the evidence of the witness was material, that he was personally served with summons to attend the Mofussil Court, that he was tendered the usual expenses allowed by such Courts, and disobeyed the summons, that he would be convicted in the Supreme Court, and I am of opinion that nothing but good would result from the prosecution, even if unsuccessful, inasmuch as it would call the attention of the Legislature to the state of the law on this point.

2nd. Whether it is necessary, in Criminal cases, to accompany subpoenas to British subjects, with a sum sufficient to defray their expenses to and from the Court?

II. I am of opinion that the Mofussil Magistrate should be guided by the rules and procedure of their own Court as to the expenses of witnesses, but if the witness is poor, and refuses to attend, the tender of his expenses would, I think, be necessary to secure his conviction in the Supreme Court.

3rd. How inhabitants of Calcutta, whether British subjects or natives, can be compelled to appear before the Mofussil Magistrate to give their evidence?

III. The Magistrate should compel the appearance of witnesses resident in Calcutta by warrant regularly endorsed by one of the Judges of the Supreme Court, under Act XXIII. of 1840.

No. 335.

Agra, the 19th February, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court are pleased to direct that the Magisterial Authorities, and particularly those of out-stations, receive petitions of appeal against their sentences and orders for transmission to the Sessions Judge, if presented within the period of appeal; and that the Sessions Judges pass orders on such petition, notwithstanding the appellant has not entered appearance by himself or through an accredited mookhtyar at the Court.

No. 382.

*Agra, the 2nd March, 1853.**To the Criminal Authorities in the North Western Provinces.*

THE Court request that an error which has been brought to their notice in the translation, published in the *Agra Government Gazette* of the 7th January 1851, of their Circular Order No. 1906, dated 28th December 1850, may be corrected by the substitution of the words *مقدمات قابل حکم* for the words *جرائم کبیرہ* as the rendering of the words "capital cases" in the 2nd paragraph.

No. 894.

Agra, the 18th June, 1853.

*To the Sessions Judges in the North Western Provinces and Saugor and
Commissioner of Kumaon.*

THE Court request that the Sessions Judges will prepare and submit the Annual Criminal Reports of their districts for the current and future years in the form annexed, which is framed so as to show the exact state of the files under each head at the close of the year reported upon, the amount of business transacted generally by all the Officers exercising criminal powers, the proportion of convictions and commitments to acquittals, in heinous crimes, and the general analysis of acquittals, the number and results of the commitments and appeals before the Sessions Judges, the average duration of cases, and the periods of detention of witnesses.

2nd. The report should invariably embrace the opinion of the Sessions Judges and the Magistrates in regard to the official character and qualifications of the several Joint Magistrates, Deputy Magistrates and Assistants, Covenanted or Uncovenanted, employed in the districts under their control.

3rd. Any general observations which the Sessions Judges or Magistrates may have to offer on the results exhibited in the statements, or on the Criminal Administration generally should be appended to the Report prepared in this form.

4th. The above report, and the annual statements connected therewith, should be forwarded to this office on or before the 1st of February of every year after they become due.

FORM OF ANNUAL CRIMINAL REPORT.

No. —.

To the Register of the Nizamut Adawlut.

WITH reference to the Court's Circular Order No. 894, dated the 18th June last, I have the honor of submitting the Annual Criminal Statements of this district for the past year, together with a report drawn up in the form therein prescribed.

2nd. The Office of Magistrate was held by Mr. _____ during the year.

3rd. There were for trial during the year, the cases of _____ persons, all of which, with the exception of those (_____ in number) of _____

CIRCULAR ORDERS OF THE

remained undisposed of at its close, - of these had been pending beyond three months for the reasons given in the margin*. Of — suits under Act IV. of 1840, for trial during the same period, all, with the exception of —, were disposed of on the 31st December, — of these had been pending more than three months, for the reasons given in the margin†.

(Here any explanations.)

4th. Statement 6, Column 10, showed only — cases in arrear. All the appeals excepting — pending — from the orders of the Assistants subordinate to the Magistrate, were disposed of during the year.

(As above.)

5th. The Diary of attendance of witnesses

(As above.)

6th. The convictions, commitments, and acquittals in heinous crime*, as exhibited under the 1st 41 headings of Statement No. 1, Part 1, are shown in the margin*. The general analysis of acquittals is similarly shown†.

Convicted,
Committed,
Acquitted,
† Summoned by the Magistrate and
his subordinates,
Sent in by the Police,
Released on bail by do., &c. ..
On default,
On compromise,
On recognizance,
Unconditional,

(As above.)

7th. Statement 8 gives the following results :—

185
185

Col. 7. Col. 8.
— days. — days.
— days. — days.

(As above.)

8th. The result of the appeals from the orders of the Assistants, preferred to the

	Rejected.	Confirmed.	Reversed.
* Mr. — Assistant, ordinary powers, ..			
Mr. — Deputy Magistrate, full powers, ..			
Bahoo — Deputy Magistrate, Sudder }			
Station, with ordinary powers, }			
Moulvie — Law Officer, special powers,			
Total, ..			

Magistrate,
is shown in
the margin*.

(As above.)

9th. Mr. ———, the Magistrate, has made mention of the Officers subordinate to him, in the following terms (here embody the Magistrate's Report regarding the Assistants).

	<i>Rejected.</i>	<i>Confirmed.</i>	<i>Reversed.</i>
* Regular Appeals, ..			
Appeals under Act IV.			
of 1840,			
Miscellaneous Appeals,			
Total, ..			

10th. The results of appeals* and commitments† to the Sessions Court are shown in the margin.

† Convicted, ..

Referred, ..

Acquitted, ..

(As above.)

11th. In regard to the several Magisterial Authorities, I have to report
(Here give the opinion of the Session Judge.)

12th. Mr. ——— was Session Judge during the year. Out of ——— commitments and ——— appeals for trial during the year, Mr. ——— decided
of the former, and ——— of the latter, leaving at the
close of it ——— commitments and ——— appeals under trial.

No. 1160.

Agra, the 22nd August, 1853.

To the Criminal Authorities in the North Western Provinces.

THE Court desire to notify, for general information, that when a party is charged with being a principal in a crime, it is not necessary to charge him in a second Count with being an accomplice in the same.

No. 1507.

Agra, the 28th November, 1853.

To the Sessions Judges in the N. W. Provinces.

I AM directed by the Court to forward to you the accompanying copy of a letter No. 4344, of the 17th November, directing that after the dispatch to this Court of your Monthly Statements of the cases of Prisoners convicted and acquitted, the Office copies of those Statements shall be forwarded for the perusal of the Commissioner, to whose circle your District may belong.

2nd. The Court request that you will give effect to the orders of the Government.

CIRCULAR ORDERS, &c., FOR 1853.

(COPY.)

No. 4344 of 1853.

FROM W. MUIR, Esq.,

Secy. to the Government of the N. W. Provinces.

TO R. THORNTON, Esq.,

*Register to the Court of Nizamut Adawlut, N. W. Provinces.**Dated Lieutenant-Governor's Camp, the 17th November, 1853.*

It being very desirable that the Commissioners of Divisions, in their capacity of Superintendents of Police, should be kept fully informed of the course and result of the trials held upon the commitments made by the several Officers exercising Magisterial Authority under them, I am directed by His Honor the Lieutenant-Governor to request that the several Session Judges may be instructed, after the dispatch to the Court of their Monthly Statements of cases of prisoners convicted and acquitted, to forward the Office copies of those Statements, for the perusal of the Commissioner, to whose circles the Districts may appertain.

2nd. The Commissioners will be directed from this Office, to return these Office copies, after perusal, to the Session Judges, within a brief period, not exceeding one week after their receipt.

3rd. This practice is not intended to supersede the rule under which it is the duty of the Session Judges to bring to the notice of the Commissioners with their own remarks, any particular case in which the proceedings of the Magisterial and Police Officers, as shewn in trials before them, may, in their judgment, call for the special interference or comment of the superior Police Authority.

NOTIFICATION
OF THE
SUDDER DEWANNY ADAWLUT,
NORTH WESTERN PROVINCES.

No. 1946.

Agra, the 9th December, 1853.

In modification of Sections 2 and 31 of the Circular Order No. 481, of the 22nd March 1852, the Court of Sudder Dewanny Adawlut are pleased to notify for general information, that the approaching examinations of Candidates for the Office of Moonsiff and Pleader in the Sudder, Zillah, and Principal Sudder Ameen's Courts, and of Pleader in the Sudder Ameen's and Moonsiff's Courts, will be held by the Divisional and District Committees, upon the 10th and following days of April 1854.

NOTIFICATION
OF THE
NIZAMUT ADAWLUT,
NORTH WESTERN PROVINCES.

No: 1356.

Agra, the 6th October, 1853.

In pursuance of the orders of Government the Court publish for general information their opinion on the bearing of Act XXXI. of 1841, upon appeals from subordinate police officers.

In the Ceded and Conquered Provinces, the appeal, under Section 8, Regulation XI. of 1831, and subsequent enactments, lies from all police officers and their subordinates, to the Magistrate, and from his order to the Superintendent of Police: but in the Province of Benares, there is no appeal for officers drawing a smaller monthly salary than 10 Rupees, while the appeal from officers of higher standing lies to the same quarter as in the Ceded Provinces.

CIRCULAR ORDERS
OF THE
SUDDER BOARD OF REVENUE,
NORTH WESTERN PROVINCES,
FOR 1853.

LAND REVENUE DEPARTMENT.—CIRCULAR B. OF 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad and Benares.

Dated Agra, the 25th January, 1853.

THE Sudder Board of Revenue, North Western Provinces, have had before them the replies to their Circular D., dated 23rd March last, regarding transfers among co-sharers of Putteedarec estates, and the effect in such transactions of the condition of the re-payment of the arrears previous to re-entry.

Transfers in Putteedarec Mehals.

The Sudder Board of Revenue, North Western Provinces, issue instructions with respect to the condition of re-payment of the arrears previous to re-entry.

2nd. They observe that the practice hitherto has not been uniform, and they consider it desirable that some general rule should be laid down for the guidance of the Local Revenue Authorities, in transfers of this kind.

3rd. The correspondence before the Board proves that the condition of repayment has a tendency to convert a transfer into a virtual sale, and is so far objectionable. On the other hand, it may enable a Collector to induce a Solvent Putteedar to come forward, and thus save the necessity of proceeding against the whole Muhul.

4th. The Board therefore leave it to the discretion of the Collectors to introduce this condition whenever they see sufficient reason to do so. But generally the system of allowing unconditional re-entry at the end of the stipulated term should be maintained.

5th. On no account should the Revenue Authorities attempt to enforce the repayment of the arrears, unless this was stipulated for, and recorded at the time of transfer, nor should such a stipulation, when so recorded, be rescinded or ignored without the consent of the parties interested.

6th. The papers before the Board shew that there are several cases of transfer requiring special orders. Most of these you will be enabled to dispose of under the general rule contained in the preceding paragraph, but any which in your opinion require the orders of the Board should be separately and fully reported.

7th. You are requested to circulate the instructions contained in this letter for the information and guidance of the Collectors of your Division.

NOTIFICATION.

REVENUE DEPARTMENT.

Agra, the 17th June, 1853.

THE Sudder Board of Revenue, North Western Provinces, observe that there are two errors in the Oordoo translation of the form given in paragraph 2 of their Circular No. 16, dated 19th September 1849, published in the *Agra Government Gazette* of the 26th of the same month.

2nd. In the second and sixth columns of the form the heading should be "Mujrooh Mah Bahan," or cultivated land including land prepared for cultivation, instead of "Cabil Zuraut," or culturable land. The latter is included in the mal-goozaree columns 3 and 7 of the form.

LAND REVENUE DEPARTMENT.—CIRCULAR O. OF 1853.

To the Commissioners of Delhi, Meerut, Agra, Rohilkund, Allahabad and Benares.

Dated Agra, the 21st June, 1853.

ADVERTING to the numerous dismissals of Putwarees, and the great inconvenience

Putwarees.

The Board lay down rules defining the pains and penalties to which these officers are to be made liable for misconduct in the discharge of their duties. Commissioners to send quarterly numerical statements of dismissals of Putwarees commencing from the present official year.

often sustained by village communities, where this severe measure is adopted without sufficient reason, the Board request the attention of the Commissioner and Collectors to the following directions.

2nd. Regulation XII. 1817 declares the punishments to which Putwarees are liable for gross and criminal misconduct. These are dismissal from office upon well founded complaints, or proofs otherwise, furnished to the Collector, and by him to the Commissioner of the necessity of this measure; arrest and confinement for contumacious refusal to render accounts or give evidence; and sentences by the Sessions Court for perjury or falsification.

3rd. The Regulation does not specify penalties for minor misconduct, but as it empowers the Board to determine the duties to be performed, and the emoluments to

Sections 16 and 18, Regulation XII. 1817.

be received by Putwarees, the discretion, as to the mode of dealing with neglect or breach of its

rules, is therein implied.

4th. The imposition of suitable fines in such cases has been recommended to the Board, and they are aware of no objection to the measure, provided it be restricted to official delinquencies, and that in every case previous to passing the order, both the Putwaree be afforded an opportunity of explaining his conduct, and a memorandum of his authorized remuneration be placed with the papers. The failure of a Putwaree within a reasonable time to discharge a fine justly imposed, and suited to his means, must necessarily involve his dismissal.

5th. Admitting the necessity of the measure in some cases, the Board remark that recourse to it will be rare, if systematic adherence is observed to the existing rules of practice in cases of Summary adjudication, by which Putwarees like other parties are liable to penalties sufficient for warning.

6th. Summary suits for accounts and monies, are cognizable against Putwarees *entrusted with the management of estates*. If the claim is proved they should be charged with costs. The plea of official position, sometimes advanced as a

reason for being exempted, is inadmissible.

7th. The same rule should be observed in cases of complaints against Putwarees in their capacity of village accountants, in which they are unable to justify their refusal to render accounts to parties entitled to them.

8th. It should be especially maintained in cases of complaint of wrong entries, as it is in such cases that the conduct or judgment of the Putwaree is more frequently questioned. Where such are established, it is but reasonable that the Putwarees should bear the costs of parties, who have been compelled by their ignorance, neglect, or perverseness, to seek redress.

C. O. Sudder Board Revenue, No. XI., 21st March 1843, paragraph 8th.

9th. The Board do not, by these remarks, restrict the exercise of the discretion vested in the Revenue Officers of leaving each party to pay their costs in doubtful cases.

10th. Commissioners are required, till further notice, to submit quarterly numerical statements of dismissals of Putwarees, commencing from the present official year.

Return of Putwarees dismissed in Zillah for the	
Quarter of At the instance of complainant 1	On the Collector's own motion 2
Total 3	

11th. These statements should be sent to the Board collectively for all the districts of your division, and not one by one as each is received in your office. They should reach the Board at latest six

weeks after the close of the quarter of the official year to which they refer.

12th. You will consider this Circular as superseding the orders of the Board

For Benares and } Benares, 26th June 1846, No. 140.
Rohilcund only. } Rohilcund, 2nd June 1843, No. 201.

noted in the margin, by which the Collectors were prohibited from inflicting fines on Putwarees.

LAND REVENUE DEPARTMENT.—CIRCULAR S. OF 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund and Allahabad Divisions.

Dated Agra, the 2nd September, 1853.

WITH the sanction of Government, the Sudder Board of Revenue request, you will

Rules to guide Collectors in case of accession, or loss of area from rivers.

The Board, with the sanction of Government, request him to instruct the Collectors to give effect from the ensuing season, to the Rules in their Circular Order No. 16 of 1848, dated 19th September, as now modified by them.

instruct the Collectors, to give effect to the following modification of the rules in Circular Order No. 16, 1848, from the ensuing season.

2nd. Annual inspection and summary settlements, as a general rule, will be restricted to one or more Pergunnahs in regular rotation, by an arrangement which will subject each to inspection once in five years.

3rd. The Collectors should submit a schedule of Pergunnahs, to which the rules of the Circular Order apply, in the form annexed. When this has been approved, there must be no deviation from routine, except under these circumstances.

Scheme of Quinquennial Revision.

DISTRICT.	YEAR.	NAMES OF PERGUNNAHS.					
		Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.	Pergunnah.
	1853-54,	Mhow,	0	0	0	0	0
	1854-55,	0 { Moostufabad,	}	0	0	0	0
	1855-56,	0	0	Shahabad,	0	0	0
	1856-57,	0	0	0	Lukna,	Kote,	0
	1857-58,	0	0	0	0	0	Koel.
	1858-59,	Mhow,	0	0	0	0	0
	1859-60,	0 { Moostufabad,	}	0	0	0	0
	1860-61,	0	0	Shahabad,	0	0	0
	1861-62,	0	0	0	Lukna,	Kote,	0
	1862-63,	0	0	0	0	0	Koel.

4th. In cases of very extensive increment, it may not be reasonable to defer assertion of the right of the State, till the year fixed for the inspection of the Pergunnah comes round; but such previous to interference should be reported to the Commissioner for orders.

5th. In other cases disputes, about alluvial increments, may become serious by delay. The Collector's interference to adjust boundary and other disputes is not barred, but he must not assess the land in any case, out of term, according to the scheme of revision, without sanction first obtained.

6th. Proprietors of Estates, the settlement compacts of which, contain the condition for revision, may claim relief in any year on account of diluvion, investigation should not be refused, and if loss of area and assets, exceeding the limitation, be proved, relief must be afforded; but when such claims are made during the period the rest of the Pergunnah is exempted from interference; the proprietors must be reminded, that they subject themselves to the inconvenience of *annual* inspection of their lands, a measure which must be enforced, in order to see if progress can be made, by reason of beneficial changes, in reverting to the standard of the last general settlement.

7th. The Board feel assured that if this scheme of quinquennial revision involving as a general rule non-interference with alluvial increment farmed *ad interim*, be fairly carried out, stimulus will be given to agricultural enterprise, and claims of remission will be restricted to cases where the estate is really disabled by diluvion from paying the jumma.

8th. By this modification of the former rules, the labor of the Collectors will be considerably lessened. The Board expect that the work in this department of Revenue Officers' duties will be promptly undertaken, reported and disposed of.

9th. Operations must not be deferred from one season to the next ensuing, for this would prejudice the scheme of quinquennial recurring revision, would involve not only a breach of regularity, but of good faith.

10th. Adverting to paragraph 8 of the Circular Order No. 16, 1848. Collectors should not retain their summary settlement statement till they submit their annual review. The former should be despatched as soon as the settlement has been made, the latter by the 1st April, certainly not later than 30th idem.

11th. In order to ensure that the new system may come fairly into operation from the ensuing cold season, the Board request that all old and pending cases in the several Districts of your Division, may be disposed of with all possible despatch. If they have not yet been reported to the Board, the reports should be no longer delayed. If they have been returned for correction, the necessary revision should be made, and the papers re-submitted at once.

No. 1.

Agra, the 6th September, 1853.

IN modification of Circular Order C, dated 2nd March, and L, 31st August 1852, the Sudder Board of Revenue direct attention to the principles and practice to be observed in enforcing and disposing of the claims of the State in Pauper Suits.

2nd. By law these claims are to be enforced immediately after the decision of the

Clause 9, Section 15, Regulation XXVI. 1814.

Circular Order Sudder Dewanny Adawlut, No. 87, 24th April 1840.

Idem.

No. 56.
13th January 1849.

suit. It is the duty of the Government Vakeel thereupon to give prompt intimation to the Collector, and to apply to the Court. It is the duty of the Revenue Officers to aid the Vakeel in search for available assets, and to proceed systematically in the case till the Government claim is satisfied, or otherwise till the requisite sanction to relinquishment is obtained.

3rd. In Pauper Suits the Government claims are of two kinds. The value of stamps is a demand involving no previous expenditure. The amount that is incapable of realization must, with the sanction of the Commissioner, be erased from the register of such dues. But costs, vakeel's fees, and other expenses, involve dis-

bursements, and the amount of which repayment cannot be effected, must with the sanction of the same authority be charged in Contingent Bills, subject to audit, and adjustment, in the public account, conformably to the rules in the Accountant's Manual.

4th. The forms appended to this Circular are prescribed for future observance, none other are required, and the practice to be followed is indicated in explanatory directions for each.

5th. Form No. I. On the decision of a Pauper Suit, the Government Vakeel should fill up this form with the requisite particulars, and send it to the Collector, stating at foot the course he advises, and requesting aid in search for tangible assets. On receipt of this form in the Revenue Office, it should be placed on a file, the record of which will show subsequent proceedings. A judicious distribution of these cases between the Collector and his Deputies will accelerate progress, a new heading will be provided in the Collector's Monthly Statements of business for these cases, entitled "Claims of Government in Pauper Suits."

6th. Form No. II. The Collector's Register should be a folio, with a page for each case. The requisite particulars should be inserted from the Vakeel's Register No. I. at once. Thereafter memoranda should be added of results, of the amount of stamp dues realized, and costs recovered, or, if realization or recovery is impracticable, of the date of sanction to the former being erased, and the latter being charged in Contingent Bills.

7th. Commissioners on their tours of inspection should be careful to see that these Register books are properly kept.

8th. Form No. III. The detailed statements of cases reported to Commissioners. It is not necessary to submit them, except for those cases in which the Government claim cannot be satisfied. These reports should not be delayed; the system of allowing a number of cases to accumulate is objectionable. When all legal means have failed, the statement should be submitted, and on receipt of Commissioner's sanction, the case should be struck off the file.

9th. The reports should be explicit; it will not be necessary always to forward the vernacular record with the English statements, but the Commissioners should call for the former occasionally, to see that proper precautions have been taken; and in their replies to the Collector's references should give separate paragraphs, authorizing unrealizable stamp dues to be erased, and irrecoverable costs to be charged in Contingent Bills.

10th. Commissioners need not submit periodically detailed statements of cases in which they have authorized relinquishment. The Board will call for the Collector's detailed statements for any quarter, when they deem it requisite, on inspection of Form No. IV.

11th. Form No. IV. is the Abstract Statement of Progress based on the entries in No. II., compared with the files and Treasury Account. Collectors should submit these quarterly, following the divisions of the official year, but if this department is neglected, the returns should be called for monthly.

12th. The Commissioner's Abstract Statement of Progress in the same form will be submitted to the Board, for the present quarterly and annually, according to the official year: these are the only returns which the Board require on this subject.

I.
Government Vakeel's Register for each case.

1	2	3	4	5	6			7
Date of Report to Collector.	No. of the Suit.	Names of Parties.	Substance of plaint and value.	Date and nature of final order.	AMOUNT OF STAMP DUTIES DUE TO GOVERNMENT AND COSTS.			Remarks.
					Stamp duties.		Costs and Expenses.	
					Parties liable.	Amount.		
		A. v. B.						Residence of parties liable; measures recommended to be taken.

N. B.—The entry in Column 3 will suffice to show if Government is or is not a party to the suit.

II.
Collector's Register of Government dues in Pauper Suits.

Date of Registry.	No. of the Suit.	Name of Parties.	Substance of Date and na- the plaint and ture of final value. order.	AMOUNT OF GOVERNMENT DUES.				Result of measures to adjust account.
				Stamp Duties.		Costs and Expenses.		
				Parties liable.	Amount.	Parties liable.	Amount.	

III.

Detailed Statement of Government dues in Pauper Suits reported as irrecoverable.

District.	No. of the suit.	Names of parties.	Substance of plaint and value.	Date and nature of final order.	AMOUNT OF GOVERNMENT DUES.			Explanation of measures taken, and result.
					Items.	Amount.	Realized. Balance.	Parties liable.
					Stamp dues, ..	0 0 0	0 0 0	
					Costs, ..	0 0 0	0 0 0	

IV.

Abstract Statement of Progress made in asserting the claims of Government in Pauper Suits.

1.	2.	3.	AMOUNT OF STAMP DUTIES.			7.	8.	9.	10.	COSTS AND EXPENSES.			14.
			4.	5.	6.					11.	12.	13.	
District.	Balance due at close of	Amount since ascertained.	Total of Columns 2 and 3.	Amount realized in	Amount erased with Commr.'s sanction in	Total of Columns 5 and 6.	Amount Remaining due on	Balance due at close of	Amount since incurred.	Recovered.	Remitted with Commr.'s sanction.	Balance remaining due.	Remarks.
													Registry date of oldest cases.

Notification, Revenue Department,—

The Sudder Board of Revenue, North Western Provinces, publish for general the Regulation Districts of these Provinces on the

2nd.—A detailed report of the operations of the census is

3rd.—That report will explain the variations in those entries, which have been altered

Statistical Return of Land Revenue, Area, and Population in the Districts

DIVISION.	District.	Number of Mouzahs or Townships.	Area in square British Statute miles of 640 acres each.	Area in acres.	MALGOOZAREE OR ASSESSED LAND.		MINHAAR OR UNASSESSED LAND.		Demand on account of land revenue for 1851-52 in Rs.	Rate per acre on Total area.
					Cultivated acres.	Culturable acres.	Lakhiraj acres.	Barren acres.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
DEHLYE.	Panceput,	538	1269.9	812745	407051	261747	19398	124549	827123	1 0 3
	Hissar,	653	3294.2	2108279	988923	864099	85528	169729	465760	0 3 6
	Delhly,	568	789.7	505320	263208	76585	91402	74125	456487	0 14 5
	Rohituck,	300	1340.4	857885	641792	147183	22730	46180	631132	0 11 9
	Goorgaon,	1274	1939.1	1241017	895940	168428	16352	160297	1047231	0 13 6
	Total,	3333	8633.3	5525246	3196914	1518012	235410	574880	3427736	0 9 11
MEERUT.	Saharnpooor, ..	1904	2162.3	1383898	774253	211449	54597	343599	1064513	0 12 4
	Moozufernuggur, ..	1138	1646.3	1053641	670468	153173	76287	153713	1107538	1 0 10
	Meerut,	1638	2200.1	1408063	907758	236021	82028	182256	1693046	1 3 3
	Booolundshahr, ..	1576	1823.6	1167094	715587	143260	88036	220241	1056835	0 14 6
	Allyghur,	1997	2153.4	1378204	961076	77725	41070	298333	1985126	1 7 1
	Total,	8253	9985.7	6390900	4029142	821628	342018	1198112	6907068	1 1 0
ROHILKUND.	Bijnore,	3030	1900.0	1216005	590622	175553	42626	407204	1197695	0 13 9
	Mooradabad, ..	3484	2698.8	1727216	839919	308851	256086	322360	1340312	0 12 5
	Budaon,	2232	2401.9	1537191	928299	286055	69734	253103	1097329	0 11 5
	Barilly,	3563	3119.1	1996224	1056961	394810	83630	460823	1769610	0 14 2
	Shahjehanpooor, ..	2785	2308.4	1477359	716201	453032	33067	275059	1060318	0 11 9
	Total,	15094	12438.2	7953995	4132002	1618301	485143	1718549	6465264	0 13 0
AGRA.	Muttra,	1019	1613.4	1032542	733362	87224	97649	114307	1657283	1 9 9
	Agra,	1143	1864.9	1193537	747536	118104	81460	243437	1622980	1 5 9
	Farruckabad, ..	2017	2122.9	1358685	749023	178345	69985	361332	1333011	0 15 8
	Mynpoory,	1344	2020.2	1292946	687098	114526	8510	428212	1267079	0 15 8
	Etawah,	1495	1677.0	1073276	557804	59927	29143	426402	1272086	1 3 0
	Total,	7018	9298.4	5950986	3474823	558126	289747	1628290	7152439	1 3 3
ALLAHABAD.	Cawnpooor,	2237	2348.0	1502699	800438	149232	61992	491037	2144075	1 6 10
	Futtehpooor, ..	1617	1583.1	1013171	509793	131895	9417	362066	1426205	1 6 6
	Budaon,	997	2241.6	1434651	770254	316504	14531	333362	1278664	0 14 3
	Banda,	1257	3009.6	1926112	846831	561281	82934	435066	1591377	0 13 3
	Allahabad,	4003	2788.7	1784780	971558	247255	28240	537727	2141221	1 3 2
	Total,	10131	11971.0	7661413	3898874	1406167	197114	2159258	8580742	1 1 11
BENARES.	Goruckpooor, ..	15714	7340.2	4697706	2232901	1268024	160732	1036049	2133931	0 7 3
	Azingurh,	6270	2516.4	1610498	798707	213729	41027	577035	1489619	0 14 10
	Joannpooor, ..	3431	1552.2	993383	573616	58121	23497	338149	1254095	1 4 2
	Mirzapooor, ..	5280	5152.3	3297472	768296	293394	1421412	814370	839732	0 4 1
	Benares,	2296	995.5	637107	420069	357791	29571	151676	903358	1 6 8
	Ghazeepooor, ..	5088	2181.0	1395808	924884	151168	41532	278224	1500426	1 1 2
	Total,	38079	19737.6	12631974	5718473	2020227	1717771	3175503	8121161	0 10 3
Grand Total, ..		81908	72054.2	46114514	24450228	7942491	3267203	10454592	40654410	0 14 1

Agra, the 4th October, 1853.

information the subjoined abstract of the results of the census, which was taken in 1st January of the present year.

now in the Press, and will shortly be published.

since the returns were received from the officers in charge of the several Districts.

of the North Western Provinces, prepared in 1852-53.

Rate per acre on Total Mal-gouzares.		Rate per acre on Total cultivation.		POPULATION.										No. of persons to each square British Statute mile, 640 acres each.		Number of acres to each person.	
				Hindoos.				Mahomedan and others not Hindoo.									
				Agricultural.		Non-Agricultural.		Agricultural.		Non-Agricultural.		Total.					
				Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.						
12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.					
1	3	9	2	0	6	94360	73397	49252	38802	20411	16869	51643	44351	389085	306	2.09	
0	4	0	0	7	6	113974	93170	23555	17207	33638	28189	12044	9075	330852	100	6.37	
1	5	6	1	11	9	93963	77731	78912	65459	10036	8881	52292	48470	435744	552	1.16	
0	12	10	0	15	9	117168	102275	61770	50610	11890	12059	11451	9790	377013	281	2.27	
0	15	9	1	2	8	174457	147726	73138	65453	85314	73057	22107	21234	662486	342	1.87	
0	11	8	1	1	2	593922	494229	286627	237531	161289	139055	149537	132920	2195180	254	2.52	
1	1	3	1	6	0	155176	109146	165789	125829	53281	41832	79840	67431	801325	370	1.73	
1	5	6	1	10	10	135178	105766	133273	115652	44336	39607	51672	47075	672861	409	1.56	
1	7	8	1	13	10	237105	190680	245814	211639	43996	38354	88386	79098	1135072	516	1.24	
1	3	8	1	7	8	182783	152925	154520	143468	21512	23259	49164	47711	778342	427	1.50	
1	14	7	2	1	1	273368	229145	269663	241198	15475	14047	47369	44300	1131565	527	1.21	
1	6	9	1	11	5	983910	787664	969059	827786	181600	160100	316431	285615	4522165	453	1.41	
1	9	0	2	3	2	126819	98796	128377	110802	25613	22811	96425	85878	695521	366	1.75	
1	2	8	1	9	6	273881	228450	139417	124246	95925	86842	97249	92451	1138461	422	1.52	
0	14	6	1	2	11	386097	321094	92372	77946	40792	36678	33674	30508	1019161	424	1.51	
1	3	6	1	10	9	462647	398763	110757	97169	75540	67291	84841	80989	1378268	442	1.45	
0	14	6	1	7	8	380372	317803	85589	74768	27434	25099	36354	38677	986096	427	1.50	
1	2	0	1	9	0	1629816	1364907	556512	484931	265304	239351	348183	328503	5217307	419	1.52	
2	0	4	2	4	2	274285	231893	152452	134329	14004	11909	23226	20811	862909	535	1.20	
1	14	0	2	2	9	315239	256987	177098	146714	13551	11521	42533	38318	1001961	537	1.19	
1	7	0	1	12	6	389191	306376	130824	110356	24861	20747	41013	41239	1064607	501	1.28	
1	9	3	1	13	6	347819	271810	89681	71738	10637	9456	16738	14802	832714	412	1.55	
2	0	11	2	4	6	225376	175991	96249	80542	4843	4481	12166	11314	610965	364	1.76	
1	12	4	2	0	11	1551910	1243087	646307	543679	67896	58117	135676	126484	4373156	465	1.36	
2	4	1	2	10	10	361396	316720	213925	193091	10158	9732	36614	32920	1174556	500	1.28	
2	3	7	2	12	9	195857	168302	127106	121172	14435	13571	19904	19440	679787	428	1.49	
1	2	10	1	10	7	205018	175086	67863	60618	7595	7084	13102	12238	548604	245	2.61	
1	2	1	1	14	1	258153	232162	105835	97541	11872	11175	14298	12836	742872	247	2.59	
1	12	1	2	3	3	421873	375459	208282	194313	33454	31857	59189	55361	1379788	495	1.29	
1	9	11	2	3	3	1442297	1267729	723011	666735	77514	73419	143107	132795	4526607	378	1.69	
0	9	9	0	15	3	1184954	1082559	236681	212581	136121	126012	57234	51732	3087874	421	1.52	
1	7	6	1	13	10	646984	552356	120288	107302	54922	50781	62940	57678	1653251	657	.97	
1	15	9	2	3	0	442429	378734	108690	101735	22356	20992	34732	31081	1143749	737	.87	
0	12	6	1	1	6	336134	312986	193985	186793	7906	7458	30724	28329	1104315	214	2.98	
1	15	9	2	2	5	220243	197909	181768	169196	4515	4512	38252	35362	851757	856	.75	
1	6	4	1	9	11	516593	467738	231525	222229	17527	17523	63128	60061	1596324	732	.87	
1	0	9	1	6	9	3347337	2992282	1072937	999836	243347	227278	287010	267243	9437270	478	1.34	
1	4	1	1	8	2	9549192	8149968	4254453	3770498	996950	897320	1379941	1273560	30271885	420	1.52	

CIRCULAR ORDERS OF THE

LAND REVENUE DEPARTMENT: CIRCULAR Y. OF 1853.

*To the Commissioners of Dehlie, Meerut, Agra, Rohilcund, Allahabad, and Benares**Divisions.**Dated Agra, the 18th October, 1853.*

THE Sudder Board of Revenue have ascertained that doubts exist regarding the

Assessment alluvial increment to rent-free estate.

The Board call attention to the orders of Government, No. 2555, dated 18th July 1851, which rule under what circumstances and with whom the assessment of an alluvial increment of culturable land to a rent-free estate is to be made.

construction of paragraph 214, Directions to Collectors, which provides for the assessment of an alluvial increment of culturable

land to a rent-free estate, exceeding 10 per cent. of the total area of the maafeedar grant.

2nd.—They accordingly direct your attention to the following abstract of the orders of Government, dated 18th July 1851, No. 2555, which rule under what circumstances, and with whom the assessment of such land is to be made.

3rd.—The maafeedar is the grantee of the Government portion of the produce from a given area. If by alluvion that area is increased he had no right to the Government share of the produce from that increase. The rule of the Government, that no assessment shall take place unless the increment exceed 10 per cent. is merely to prevent the petty annoyance of constant enquiry, whenever any increment to the mehal takes place. But when once the increase has been such as to render enquiry and assessment necessary, there is no apparent reason why the whole increment should not be assessed. The right of the maafeedar is to the Government share of the produce on a certain number of Beegahs, but not 10 per cent. more than that number.

4th.—In Khalsah lands the Board's Circular of 19th September 1848 (Appendix No. XXII. Directions for Collectors, paragraph 5, Clause 1) prescribes that when the addition of culturable or otherwise productive land amounts to 10 per cent. above the cultivated area of the mehal, a new Settlement of the *freshly gained lands*, or of the entire mehal must be made. This implies that the whole increment may be assessed, and that seems to the Lieutenant-Governor to agree with the object of the rule. The design of the rule is not to create a new right to more than the area, but to prevent the assertion of the Government right to the excess from being vexatious.

5th.—Another question is raised as to whether the 10 per cent. above the registered area belongs to the zemindar or maafeedar. On this point, it is to be observed that the whole of the newly accrued land, whether within, or in excess of, the limit of 10 per cent. must be held on the same footing and under the same management. The Lieutenant-Governor, however, is not inclined to think that the Settlement of the new land should be made in all cases with the proprietor when that person is other than the maafeedar. If the proprietor has the management of the land comprised in the maafeedar tenure on a lease either from the Collector or from the maafeedar, then he should be admitted to engagements for the newly-farmed Khalsah tract. But if the maafeedar himself has retained the whole management of the rent-free tenure, he should be allowed to engage for the new land also, any perquisites which the proprietor may hitherto have received being increased in proportion to the value of the area added to the estate.

CIRCULAR No. 2.

Agra, the 6th December, 1853.

To the Revenue Authorities, North Western Provinces.

THE Sudder Board of Revenue, North Western Provinces, in modification of their Circular No. 11, dated 28th November 1851, direct that the half-yearly transmission of Registers of Deposits in the Collectorate Treasuries be in future discontinued.

2nd.—Commissioners on their annual tours of inspection should examine the Registers at each Treasury, and pass orders regarding items especially of old date, which require explanation or attention.

3rd.—Collectors should furnish, at the close of the official year, a Memorandum

* *Memorandum of Deposits in Zillah* at the close of 185 5 . in the form marginally*

Number of	Total	Oldest dates.	Remarks.
	Amount.		
			noted, of the number of items of Deposit, their total amount, and the dates of a few of the oldest items, with such remarks as may be considered appropriate.

This Memorandum should accompany the Revenue Administration Report, and a divisional abstract of the first three columns should be prepared in the Commissioner's office, and submitted with the Annual Report to the Board.

CUSTOMS DEPARTMENT.

No. A. of 1853.

Agra, the 31st May 1853.

THE Sudder Board of Revenue, North Western Provinces, with the approval of Government, prescribe the following rules (similar to those relating to Churrus promulgated by their Circular Order No. 2 of 1852,) to regulate the transport of Ganja into or through the districts of the North Western Provinces.

I.—Parties desirous of importing Ganja into the districts of the North Western Provinces must obtain a pass for each despatch, which must not be of less weight than one maund, from the officer in charge of the Abkaree Mehal of the border district into which the Ganja is to be imported.

II.—Parties desirous of transporting Ganja from one district to another of the North Western Provinces must similarly obtain a pass for each despatch, which must not be of less weight than one maund, from the officer in charge of the Abkaree Mehal in the district from which the Ganja is to be removed.

III.—The name of the party in charge of the despatch and of the consignee, the number of packages and weight of each, and the destination of the despatch, must be specified in the pass. The officer issuing it should ascertain that the number and weight of the packages are correctly inserted, and that no package is of less weight than one maund. Each package should be officially stamped in his presence. The pass will protect the despatch, if kept entire, through intermediate districts without necessity of renewal.

IV.—Should the owner or his authorized agent in charge of the despatch desire to divide it in transit, passes must be obtained for each division of the despatch with the specifications above stated, from the officer in charge of the Abkaree Mehal of the district in which such division is made. The original pass will be surrendered in such case to that officer.

V.—At the final place of destination the pass must be presented to the officer in charge of the Abkaree Mehal of the district, whose duty it will be to see that the specified quantity has been brought in and delivered.

VI.—If the owner of the despatch is desirous to sell part of it in transit, the authorized officer will, on the appearance of the seller and buyer, the latter being duly licensed, note the transaction on the pass, so as to show what quantity of the drug, and what number of packages remain covered by that document, but no quantity of less than one maund may be sold, nor the remainder, if less than one maund, be made up into a separate package for transport.

VII.—No such wholesale transaction shall be allowed in any case except to a licensed vendor, or where the duties are farmed, to a person duly commissioned by the Government contractor for the time being. If otherwise sold, or the contents of any package disposed of without due authority, the whole despatch will be confiscated and the owners subjected to the penalties of the excise laws.

VIII.—No pass shall be granted in terms signifying that it is for the safe conduct of Ganja from British into Foreign Territory, but protection of despatches under passes granted as above will be extended to the frontier.

CUSTOMS DEPARTMENT. CIRCULAR D. OF 1853.

To the Commissioners of Meerut, Agra, Rohilcund, Allahabad, Benares, Dehlie, Saugor, and Kumaon Divisions.

Dated Agra, the 25th October, 1853.

THE Board having been requested to prescribe a form of report of Abkaree

Abkaree Settlements.

The Board issue instructions and prescribe a form for Abkaree Settlements. Collectors* should
* Deputy Commissioner, Saugor.

Settlements, which
submit to Commis-

sioners, have called for those now in use in these provinces.

2nd.—They are found to vary not only in Divisions, but in Districts of the same Division, and in some cases elaborate additional statements are appended.

3rd.—The annexed form has been framed with the object of dispensing with additional Statements and Memoranda,

* Circular Orders Sudder Board of Revenue, No. A,
dated 16th April 1852, No. 41, dated 15th July 1853.

required by the Board's Circular Orders
noted in the margin*, and in some

instances by orders of Commissioners.

4th.—The annual Statement of Settlement should be sent to the Commissioner in duplicate, one copy being required by the Board. It should be drawn out on Foolscap, with one series of headings, an additional sheet without headings being added if necessary.

5th.—It will be observed in reference to the form prescribed that the Settlement must be made and reported before the expiration of each current year. The Settlement should be made in the last week of March, or the first week of April, notification inviting tenders having been issued one full month before hand.

6th.—It is usual in some districts to insert a Clause in the engagement with contractors, providing that the whole demand of the year shall be liquidated, ten days before its close. This prevents balances appearing in the annual accounts, which are often nominal, the whole amount having been paid at the Tehseldarces, but the remittances not having been received at the Collectorate Treasury until after the close of the official year. The Board direct that this practice be observed in future in all the districts.

7th.—You are requested to transmit copy of this order, and the form annexed, in which explanatory notes have been given to prevent error, to the several Collectors* for their guidance.
 * Deputy Commissioner, Saugor.

8th.—The form will be added to the Board's sanctioned list, and the usual specimens circulated as soon as it has been printed.

Statement of the Settlement of Abkaree &c., for the year 1850-51.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Zillah.	Pergunnah.	Name of Farmer.	Security.	Number of shops.	DEMAND.		Increase.	Decrease.	Nett Collections.	Average Collections 10 years.	REMARKS.
					Year 185 5	185 5					
					Abkaree.						Column 2. It is preferable to take contracts for pergunnals instead of fiscal or police divisions, as the former are shown on the district Maps. Forms with environs are of course excepted, and should be entered in this column. „3. If the duties are not farmed, kham should be entered. „4. If the security be cash or notes, state the amount, otherwise the name of security. „5. This should shew distilleries and places of licensed vend not distilleries. „6. If the pergunnah is held kham, state the nett revenue to the end of March, as it is presumed that the settlement will be reported in April. „7. If contracts are not obtainable, insert the estimated revenue of the coming season under kham announcement. „8 & 9. Attention to the rules under 6 and 7 is necessary, otherwise the entries in these columns will be useless. „10. As the settlement should be reported in April, this column should shew nett collections to the end of March. „11. The actual average collections should be shewn for each pergunnah if practicable, and of course for the whole district. * Contracts for the farm of the drug mahal are usually for 3 years, but special sanction is necessary: state the amount for the year, and give a note referring to sanction obtained or application submitted in remarks.
					Tauree.						
					Drugs.*						
					Retail, Opium, &c.,						

CUSTOMS DEPARTMENT. CIRCULAR C. C. OF 1853.

To the Commissioners of Delhie, Meerut, Agra, Rohilcund, Allahabad, Benares and Saugor.
Dated Agra, the 20th Decemher, 1853.

THE Opium Agent at Benares has pointed out to the Sudder Board of Revenue that inconvenience is experienced by the receipt in his office, of the general Opium indent for these Provinces at a late period of the season, and has expressed a wish to receive it annually on or before the 10th June.

Opium Indent.
 The Board request that for the future the Opium indents of each Division be forwarded to them on the 10th of May in each year at latest, to enable them to forward the general indent before the 10th June, failing which an explanatory letter should invariably be submitted.

2nd.—To enable the Board to comply with this application, they request that you will for the future forward to them the Opium indent of your Division on the 10th May in each year at latest, failing which you will invariably submit an explanatory letter.

3rd.—A collective indent for the whole Division compiled in your office according to the form already in use should alone be forwarded on or before the date above specified, and the indents of the several Districts should not be submitted separately to the Board as each is received.

4th.—The Collectors of your Division should be instructed to furnish an explanation of the delay whenever they may fail to supply the indents by the date you may prescribe.

5th.—I am desired to add that Columns 2 and 4 in the form* prescribed,

should not show the same quantity, but the entry in Column 2 should be the aggregate of the entries in Columns 3 and 4. The Board have frequently had occasion to point out this error in the returns received from some Divisions.

* District.	Quantity required for 185 5 .	Balance in Store.	Necessary to be supplied.	REMARKS.
1	2	3	4	5

CIRCULAR ORDERS
OF THE
ACCOUNTANT'S OFFICE,
NORTH WESTERN PROVINCES,
For 1853.

No. 283.

Agra, the 21st January, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sulley States, and in the Punjab and Trans-Indus Territory.

With reference to the 3rd paragraph of the Notification issued by the Hon'ble the Lieutenant-Governor, under date the 22nd ultimo, and published in the *Agra Government Gazette*, dated 18th instant, directing that from and after the 1st January 1853, no gold coin will be received on account of payments due or in any way to be made to the Government in any Public Treasury, I have to request that you will, in compliance therewith, consider the 2nd Clause of paragraph 2 in page 54 of the Accountant's Manual, as hereby cancelled.

No. 284.

Agra, the 28th February, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Punjab and Trans-Indus Territory.

I HAVE the honor to forward herewith, for adoption in your office, new forms for

*Accountant's Manual, page 36, paras. 7 and 8.

Ditto ditto, page 37, paras. 1 and 2.

Ditto ditto, page 37, paras. 3 to 7.

Ditto ditto, pages 204 and 205, Appendix No. LIII.

Military Officers' and Sepoys' Family Remittance Bills and ordinary Bills of Exchange, and to annex rules for your guidance in accepting and cancelling bills, and in issuing seconds and thirds of Exchange. These forms and rules are

intended to come into operation on the 1st May next, and I have accordingly to request that you will, from and after that date, consider the instructions and forms noted in the margin* as hereby cancelled.

RULES.

Issue of second and third Bills.

1st.—When a bill is stated to have been lost, and application is made for a second or duplicate, it may, without reference to the Accountant, be granted to the party who obtained the first, or to the payee, or the legal representative of either, but to no other party.

2nd.—If a lost bill has been endorsed, the endorsee must apply for a second through the payee, who endorsed to him. This is legally unavoidable, as the bill being lost, there can be no record of endorsee's claim.

3rd.—In the event of both the first and second being lost, a third may be issued on the same terms as a first.

4th.—No second or duplicate should be issued without the production by the applicant of a certificate of non-payment of the first from the drawee. In the case of a third or triplicate, the certificate should indicate the non-payment of the first and second; but it should be borne in mind that the issue of the certificate does not bar acceptance and payment of a lost bill, if found and presented before the second or third is accepted.

5th.—In cases where seconds or thirds are issued, the word "second" or "third," (as the case may be,) should be written conspicuously on the upper part of the bill in addition to the specification of the fact in the body of the bill.

6th.—The "second" and "third" should invariably bear the same date, the same number, the name of the same payee, and the same amount. No alteration or correction in these respects at the request of the remitter, or on any other account, should ever be permitted.

7th.—On the presentation of "seconds" or "thirds," the accounts should be strictly examined as to the previous payment of the original.

Acceptance of Bills.

8th.—Under no circumstances should more than one bill of a set be accepted.

9th.—If a bill which has been accepted is lost, and a second or third is issued, payment when made on the second or third should be made without that second or third being accepted, and not on, but *after* the date on which payment of the accepted bill becomes due.

10th.—When payment is thus made on a second or third bill in consequence of the loss of the accepted bill, a guarantee, as per accompanying form, should be taken by the drawee, from the party obtaining payment.

11th.—If in consequence of the first having been lost, a second is issued and accepted, and after the acceptance, but before payment of the second, the first is found and presented, it must be refused, because the acceptor is bound by the acceptance of the second, and payment therefore should be made on the accepted bill only. But if a second, though issued, has not been accepted prior to the presentation of the first, the first may be accepted and paid in the usual course, and the second must then be refused.

12th.—The following note should be made on the face of refused bills.

"Refused, first (or second or third) of the same tenor and date having been accepted (or paid) on the ———."

13th.—The fact and date of acceptance of a bill should invariably be noted in the column of remarks in the Check Register of Bills Payable, *vide* Appendix XXIII. of the Accountant's Manual.

Cancellation of Bills.

14th.—If a bill is presented to the drawer for cancellation, it may be cancelled and the amount paid to the applicant without the Accountant's sanction being first obtained, provided no second or third of the set has been issued, and the applicant is the payee or endorsee or his legal representative, and the endorsements are regular, and the bill is duly delivered up on payment. But if cancellation is requested by the remitter, and he is not also the payee of the bill, he should be required to have the bill duly endorsed to him. In the event of there being any difficulty in having

it so endorsed, then the bill, with a statement of the particulars of the case, showing why cancellation is required, should be forwarded for the orders of the Accountant.

15th.—An accepted bill should not be cancelled unless for any special reasons the acceptance has been duly cancelled by the acceptor, but in that case the bill should, prior to refund, be referred to the Accountant for sanction.

16th.—If an application is made to the drawer for the refund of a bill stated to have been lost, it should be refused, refund being allowable only on a bill which is produced and delivered up. In such cases, a second should be issued on the terms of Rule I., and the party obtaining it be compelled to take payment at the Treasury drawn on, either in cash or by a transfer bill, if he is entitled to the latter under existing rules.

17th.—Instances of cancellation rendered necessary by the return of bills with a certificate from the drawee of their not having been honored from want of assets or other causes should be immediately reported to the Accountant, in order that an explanation may be obtained from the officer dishonoring the bills, who should also report the circumstances of the case to the Accountant, and be careful that he does not throw discredit upon the negotiations of a public Treasury on insufficient grounds.

18th.—Second and third bills of Exchange should never be cancelled, since a refund by the drawer on a second or third would not bar claim on the first against the drawee, in the event of its being found in the hands of a *bona fide* holder. For the same reason, a first should not be cancelled if a second has been issued.

19th.—Whenever the amount of a bill is refunded by the drawer, immediate notice of the fact should be given by him to the drawee, who should also be careful to note the fact of cancellation for future reference in the column of remarks opposite the number corresponding with that of the bill in the Check Register of Bills payable, *vide* Appendix No. XXIII.

20th.—No second or duplicate, nor any third or triplicate, of old date should be paid without reference to the Accountant.

21st.—Whenever a bill is cancelled, an entry as per margin* should be made across the body of the bill. The bill so cancelled and duly receipted should be forwarded with the Treasury account as a voucher in support of the debit entry of refund, which must always be exhibited in the accounts, even when the issue and cancellation of a bill occur in the same month.

* Cancelled, and the amount refunded to (or
a bill on the Collector of substituted in
lieu thereof in favor of) the remitter (or
payee or endorsee,) under warrant of payment No.
dated and notice of cancellation forwarded
under the same date to the Collector of
A. B.,
Collector.

22nd.—The particular number of a cancelled bill is not available for future bills of that year, although no higher number may immediately have been given.

The foregoing rules are principally intended to guide you in dealing with bills in the hands of private parties, or which are likely to fall into such hands. Cases where a strict adherence to them would be productive of public inconvenience may admit of exceptions under the authority of this office, to be obtained in each instance.

It may also be occasionally necessary for you to relax the rules in the case of Sepoys' Family Remittances, when you are satisfied as to the equitable right of a party, claiming a refund, or a "second" or a "third" bill, although the claim may not, strictly speaking, be tenable under the rules.

The present instructions have been issued under the sanction of Government Orders, dated 16th ultimo, and in communication with the Accountant to the Government of Bengal, and you will be careful to put them into operation on the 1st

CIRCULAR ORDERS OF THE

May next, that date having been fixed to enable Treasury Officers to work off a large portion of the Forms now in use, and of which a considerable quantity is understood to be in store. For the new Forms you will be pleased to forward an immediate indent to the Secretary to the Sudder Board of Revenue, North Western Provinces, Secretary to the Chief Commissioner at Lahore, who has been requested to direct their preparation in supersession of those now used, and to supply you with them in future.

(FIRST.)

No.  of 185 5 .Co.'s Rs. *To the*

Sir,

sight and per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid,) you will be pleased to pay to
or order the sum of Co.'s Rs.

for value received into this Treasury from
under the orders of

I have the honor to be,

Sir,

Your most Obedient Servant,

The *Treasury,* }
185 . }
Examined and Registered.

Collector.

(SECOND.)

No.  of 185 5 .Co.'s Rs. *To the*

Sir,

sight and per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) you will be pleased to pay to [and so on, as in first.]

(THIRD.)

No.  of 185 5 .

Co.'s Rs.

To the

Sir,

sight and per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) you will be pleased to pay to [and so on, the same as first.]

SEPOYS' FAMILY REMITTANCE BILL.

(First.)

No.  of 185 5 .Co.'s Rs. *To the*

Sir,

At sight and per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid,) pay to
the sum of Co.'s Rs.
received from
agreeably to G. O. V. P. 10th April 1810.

I have the honor to be,

Sir,

Your most obedient Servant,

The } *Treasury,*
185 .


Collector.

N. B.—By G. O. G. G., 3rd April 1819, Family Remittance Drafts, on account of Sepoys, are only claimable on their behalf by Commanding Officers of Companies or others acting for them, who are directed immediately, on such Drafts being granted, to transmit to the drawee a Descriptive Roll of the Pay agreeably to the following Form, to enable the former satisfactorily to identify the person of the latter Descriptive Roll of the payee of draft No. dated drawn by
on the of for Co.'s Rs.

Name of Payee.	Rank or Vocation.	Inhabitant of what Place, Pergamah or District.	Color and Tribe.	Supposed Age.		Supposed Height.		Particular Marks.	REMARKS.
				Years.	Months.	Feet.	Inches.		

SEPOYS' FAMILY REMITTANCE BILL.

(Second.)

No.  of 185 5 .Co.'s Rs. *To the*


Sir,

At sight and per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) pay to [and so on, the same as first.]

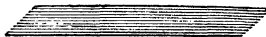
CIRCULAR ORDERS OF THE

SEPOYS' FAMILY REMITTANCE BILL.

(Third.)

No.  of 185 5 .

Co.'s Rs.

*To the*

SIR,

At sight and per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) pay to [and so on, the same as first.]

MILITARY OFFICERS' REMITTANCE.

(First.)

No.  of 185 5 .

Co.'s Rs.

*To the*

SIR,

Ten days after sight, and as per advice of this my first of Exchange (the second and third of the same tenor and date being unpaid) please to pay to or order the sum of Co.'s Rs. received from into this Treasury with reference to the orders of Government, dated 29th December 1815, and 8th September 1844.

I have the honor to be,

Sir,

Your most obedient Servant,

The

Treasury, }
185 . }

Collector.

N. B.—This bill is claimable only from the unless he certify that assets are wanting, in which case it must be sent for payment to the next Collectorship where money is procurable.

MILITARY OFFICERS' REMITTANCE.

(Second.)

No.  of 185 5 .

Co.'s Rs.

*To the*

SIR,

Ten days after sight, and as per advice of this my second of Exchange (the first and third of the same tenor and date being unpaid,) please to pay to [and so on, the same as first.]

MILITARY OFFICERS' REMITTANCE.

(Third.)

No. of 185 5 .Co.'s Rs. *To the*

SIR,

Ten days after sight, and as per advice of this my third of Exchange (the first and second of the same tenor and date being unpaid,) please to pay to [and so on, the same as first.]

FORM OF GUARANTEE.

In the event of my receiving Co.'s Rs.

being the

• [Second or third]. amount of a bill* of Exchange No.

dated

drawn on

by

† [First, second or third]. the

of† the same tenor and date

having been lost after acceptance, I hereby engage to hold the Government harmless, and to refund the said amount, viz., Co.'s Rs.

into the Public Treasury, should a double payment be made by Government, or should any claim be hereafter established on the said accepted bill.

Witnesses.

No. 285.

Agra, the 5th March, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and in the Punjab and Trans-Indus Territory.

A QUESTION having been raised as to whether Bills of Exchange should bear the attestation of the Treasurer and the Secah Nuvces, I have the honor to request under the orders of Government, and with the view of establishing a uniform practice, that you will require your Treasurer and Secah Nuvces to attest all Bills which may be issued from your Treasury, previously to their being submitted for your official signature. The object of the rule is to identify those officers with the transaction, and thus obviate the risk which might otherwise be incurred of Bills being fraudulently issued through a collusion in the English Department of your Office.

CIRCULAR ORDERS OF THE

No. 286.

Agra, the 6th April, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.

WITH reference to a Circular dated 19th ultimo issued by the Assistant Accountant to the Government of Bengal, I have the honor to inform you that, under the orders of the Government of India in the Military Department, the power of issuing Drafts for Commissariat expenditure has been vested from 1st May next in the Commissary General alone.

2nd.—You will be good enough therefore, from the above date, to honor that Officer's Drafts only, instead of Drafts drawn by the Deputy and Joint Deputy Commissary General as heretofore. Drafts, bearing date anterior to 1st May 1853 drawn by the last-named Officers, will of course continue to be honored.

No. 287.

Agra, the 10th May, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

WITH reference to a communication received from the Office of the Accountant to the Government of Bengal, dated 26th January last, I have the honor to inform you that the Deputy Commissioners recently appointed at Martaban, Rangoon, Bassein, Prome, and Sarawah respectively have been authorized to draw, under the rules in force, Bills on your Treasury.

2nd.—You will accordingly be pleased to honor such Bills as may be drawn upon and presented for payment at your Treasury, and debit their amounts under a new head, to be styled "Bills payable of the Pegue and Martaban Provinces."

3rd.—Until further orders, you will be good enough not to issue Bills on the Deputy Commissioners above indicated.

No. 288.

Agra, the 12th May, 1853.

To all Officers in charge of Revenue Treasuries in the North Western Provinces, and in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

I ~~beg~~ to state that, under the sanction of the Government of Bengal, the districts of Aeng and Ramree have been united and placed under one Principal Assistant to the Commissioner of Arracan, and the district thus formed is to be designated Ramree.

2nd.—You will accordingly be good enough to note the change in the Copy of the Accountant's Manual furnished to you, and discontinue drawing bills in future on the Principal Assistant Commissioner of Aeng.

No. 289.

Agra, the 14th May, 1853.

To all Officers in charge of Treasuries in the North Western Provinces, in the Cis and Trans-Sutlej States, and Punjab and Trans-Indus Territory.

I HAVE the honor to request that early intimation may, in future, be given to this Office, of any reliefs about to take place of your Treasury guard (if from another Station) or of any other opportunity, which may be embraced to remit money either from or to your Treasury without calling for a special escort.

2nd.—It will be desirable to make such report whether you have funds or not to remit, as the *return* escort may sometimes be advantageously employed, either in guarding remittances of current coin to some intermediate Treasury, or affording protection to remittances of uncurrent Coin or Copper Pyce either from or to your own Treasury.

No. 290.

Agra, the 19th June, 1853.

To all Judges and Magistrates in the North Western Provinces, and the Deputy Commissioners in the Punjab and Trans-Indus Territory, and the Cis and Trans-Sutlej States.

IN lieu of the Monthly Statement of Stamps filed in Judicial proceedings, as prescribed in the Accountant's Manual, page 22, paragraph 121, I have the honor to request that you will in future transmit an annual Statement in the accompanying form.

2nd.—You are requested to forward, by the end of this month, a Statement in the new form for the Official year 1852-53.

FORM FOR MAGISTRATES.

Statement shewing the aggregate value of Stamps filed in Criminal Proceedings in the district of

the Official year

COURTS.	Aggregate amount of Stamps filed.
Magistrate's Court, - - - - -	0 0
Subordinate Courts, - - - - -	0 0
Total, - - - - -	0 0

CIRCULAR ORDERS OF THE FORM FOR JUDGES.

*Statement shewing the aggregate value of Stamps filed in Civil Proceedings of the
district of during
the Official year*

COURTS.	Aggregate amount of Stamps filed.	Amount or- dered to be refunded.	Net Total.
Judge's Court, -- -- -- -- --	0 0	0 0	0 0
Subordinate Courts,-- -- -- -- --	0 0	0 0	0 0
Total, -- -- --	0 0	0 0	0 0

No. 291.

Agra, the 5th July, 1853.

*To all Officers in charge of Revenue Treasuries in the North Western Provinces, and the
Cis and Trans-Sutlej States, and the Punjab and Trans-Indus Territory.*

UNDER instructions from the Hon'ble the Lieutenant-Governor of the North Western Provinces, conveyed in a letter from the

* Extract paragraph 3rd of letter No. 1175 of the Financial Secretary to the Government of India, to the Secretary to the Government of the North Western Provinces, dated May 1853.

"I am desired to suggest that the Accountant may be instructed to submit to the Hon'ble the Lieutenant-Governor a monthly Report drawn up in the accompanying form of Accounts due to his office in arrear, to enable His Honor to take early and effectual measures for expediting the preparation of such of them as may retard the completion of the general returns of the North Western Provinces."

Financial Department, No. 1545, of the 18th ultimo, and with reference to the orders of the Most Noble the Governor General in Council, an extract of which is given in the margin*, I have the honor to request that, in every instance of an account being overdue, you will forward to this office intimation of the cause of delay in its transmission, and the probable date on which you expect to be able to despatch it.

2nd.—The date prescribed in the Accountant's Manual for the despatch of the monthly Treasury Accounts having been fixed with reference to the

ascertained capabilities of the largest disbursing Treasuries of these Provinces, I have been instructed by Government to divide the Treasuries into three classes, and modify the dates of transmission of their Treasury accounts accordingly. It is therefore expected, that the returns of the Treasuries, a list of which is hereto appended, will in future be despatched to this office on the dates affixed to each classification respectively; and in no instance can they be allowed to exceed the prescribed limit, without being considered amenable to the rule laid down in the previous paragraph.

3rd.—It is to be understood that a Treasury account reaching this office without all the vouchers, deposit registers and other appendages, or otherwise in an incorrect state, cannot be made use of, and will therefore be considered as still due, and entered accordingly in the Report to be made to Government, as indicated in the above extract.

4th.—The dates for transmission of the monthly Cash Balance Reports, estimates of probable Income and Expenditure, and other returns, remain as heretofore, and must be punctually observed as specified in the Accountant's Manual.

1st Class Treasuries; the Cash Accounts of which, together with Vouchers, deposit Registers, and all other requisite appendages, to be despatched on the 20th of the month following that for which they are rendered.			2nd Class Treasuries; the accounts of which to be despatched on the 30th of each month.		3rd Class Treasuries; the accounts of which to be despatched on the 5th of the succeeding month.		
1	Azimgurh.	23	Rohtuc.	1	Dehra Dhoon.	1	Agra.
2	Bijnour.	24	Saugor.	2	Barcilly.	2	Cawnpoor.
3	Bluttee.	25	Hoshyarpoor.	3	Futtehpoor.	3	Dehlie.
4	Budaon.	26	Kangra.	4	Ghazecpoor.	4	Allahabad.
5	Boolundshuhur.	27	Thanesur.	5	Loodiana.	5	Benares.
6	Dooab Canal.	28	Amritsur.	6	Allygurh.	6	Meerut.
7	Etawah.	29	Goordaspoor.	7	Ajmere.	7	Furruckabad.
8	Goorgaon.	30	{ Deyra Ishmael	8	Banda.	8	Amballa.
9	Hissar.		{ Khan.	9	Goruckpoor.	9	Soobathoo.
10	Humeerpoor.	31	{ Deyra Ghazee	10	Mynpoory.	10	Lahore.
11	Hoshungabad.		{ Khan.	11	Seharunpoor.		
12	Jounpoor.	32	Goojrat.	12	Shahjehanpoor.		
13	Jubbulpoor.	33	Hazara.	13	Ferozepoor.		
14	Jaloun.	34	Jhung.	14	Jullundur.		
15	Kumaon.	35	Jheelum.	15	Peshawur.		
16	Mooradabad.	36	Khangurh.	16	Sealkote.		
17	Mirzapoor.	37	Leia.				
18	Muttra.	38	Mooltan.				
19	Mozuffurnugur.	39	Googaira.				
20	Nimar.	40	Rawulpindce.				
21	Nursingpoor.	41	Shahpoor.				
22	Panceput.	42	Goojranwalla.				
		43	Kohat.				

No. 292.

Agra, 26th August, 1853.

To all Judges and Magistrates of the North Western Provinces, and Officers in Civil and Criminal charge of the districts in the Cis and Trans-Sutlej States and Punjab and Trans-Indus Territory.

THE present form of Account particulars of the Balance of Deposits in use in Judicial Courts, under the above jurisdictions, being of too abstract a nature to admit

CIRCULAR ORDERS OF THE

of the supervision I am required to exercise over the outstanding Balances, I have to request that you will substitute the Form herewith transmitted in the place of the former, and bring it into operation at the close of the *past official* year.

2nd.—With reference to the annexed Extract of a letter No. 2068, of the 2nd of July 1853, from the Secretary to the Government of the North Western Provinces; the column of remarks should invariably indicate, whether the Officer in Civil or Criminal charge of the district, has given his personal attention to the preparation of the Statement, and the steps that have been taken to bring the respective balances under adjustment, either by re-payments or otherwise, and the causes which, in his opinion, warrant the continuance of those Balances for a further period.

EXTRACT.

1st.—You are requested in future to furnish Annual Reports on the state of the Deposits, shewing how they stand comparatively at the end of each year. The Statements should, in some degree, correspond with that given above, and others should be added for the Judicial, Civil and Criminal Deposit Accounts.

2nd.—His Honor observes that if you will separately mention those districts, where the unadjusted Deposits are the largest, and where attention seems to be least paid to the subject, means will be used to expedite the process of adjustment, and to ensure a proper degree of care in this respect.

Account particulars of the balance of Deposits due on the 30th April 18 .

Date of Deposits.	Number of Deposit.	Nature of Deposits.	Amount Company's Rupees.			Explanatory Remarks.

Agra, the 3rd September, 1853.

*To all Officers in charge of Revenue Treasuries in the North Western Provinces,
Punjab and Cis and Trans-Sutlej.*

ADVERTING to paragraphs 2nd to 7th on page 43 of the Accountant's Manual,

* "His Honor in Council is of opinion that should no insuperable objection exist, the original Bills and Vouchers connected with all disbursements referable to the Military Department should in every case be forwarded by Civil Authorities direct to the Military Auditor General, instead of to the Civil Auditors who now transmit to the Military Auditor General mere Extracts from the Contingent Bills, which are not susceptible of satisfactory check in his office."

I beg to communicate for your guidance, as indicated in the margin*, an Extract from a letter addressed by the Officiating Secretary to the Government of India, in the Military Department, to the Secretary to the Government, North Western Provinces, under date 21st April 1849, and to request that you will in future

be careful to exclude from your ordinary office Contingent Bills, all charges connected with the Military Department, which you may at any time have occasion to incur.

2nd.—Those connected with the purchase, rent of, or compensation for, lands taken permanently for Military purposes, must be subjected to Civil Audit, but invariably in a separate bill. But charges incurred on account of remitting *Treasure* to Military chests, crossing Troops, and for crops destroyed by encampments of Troops, together with such other disbursements as may be of a purely Military character, ought to be included in a Bill drawn out on half a sheet of Foolscap Paper, properly vouched and attested, and submitted direct to the Military Auditor General.

3rd.—Charges connected with public “encamping grounds” being debitable to these Provinces under the head “By Charges General of the General Department” should be included in the ordinary Contingent Bills of your office, and entered in your accounts (after audit by the Civil Auditor, North Western Provinces) as above indicated.

No. 294.

Agra, the 29th November, 1853.

*To all Officers in charge of Revenue Treasuries in the North Western Provinces,
Cis and Trans-Sutlej States and Punjab and Trans-Indus Territory.*

I HAVE the honor to communicate, for your information and guidance, copy of General Orders of the Governor General in Council, dated 28th October 1853, No. 875, issued in supersession of the Government General Order, dated 12th March 1852, No. 168, copy of which was communicated with this Office Circular No. 274, dated 22nd idem.

2nd.—You will observe that from and after 1st January 1854, all Commissioned, Non-Commissioned Officers and Privates belonging to either the Presidencies of Bombay or Madras, when proceeding on leave to stations in Bengal or the North Western Provinces, and being desirous of drawing pay during the term of such leave, will be furnished, from the offices of Adjutant General of their respective Presidencies, with passports agreeably to the prescribed Form (No. 1).

3rd.—A copy of such passports will be forwarded to the several Treasury Officers named therein, and the utmost care must be observed in the payment of the amounts authorized to the proper party.

4th.—Receipts of such payments must invariably be taken in duplicate, and the amounts debited in your Treasury Accounts without audit, under the head “By Bombay Presidency,” or “Madras Presidency,” as the case may be, supported by the duplicate receipt of the payee.

5th.—A Monthly Statement in the Form No. 2 must be furnished by you (a separate Statement for each Presidency) of the payments made during the preceding month, accompanied by the original receipts, to the Military Accountant at Fort William for transmission to the Authorities at Fort Saint George and Bombay, respectively.

6th.—You will consider these rules as applying to all passports issued from and after the date specified above, while the rules prescribed in General Order dated 12th March 1852, will continue in force in regard to all leave certificates bearing date prior to 1st January 1854.

No. 875.

*General Orders by the Most Noble the Governor General of India in Council,
Fort William, the 28th October 1853.*

THE Most Noble the Governor General of India in Council having had under consideration the mode of payment to be observed in regard to Native Soldiers of the Madras and Bombay Armies, who may be desirous of drawing pay while on leave at stations under this Presidency, is pleased to promulgate the following Rules, in supersession of the Government General Order No. 168, of the 12th March 1852, and of previous Regulations on the subject:—

1st.—All Commissioned, Non-Commissioned Officers and Privates, belonging to either of the Presidencies of Fort Saint George and Bombay, who may obtain leave of absence to stations in Bengal and the North Western Provinces, and who may be desirous of drawing pay during the term of such leave, will be furnished with a passport or leave certificate for this purpose, agreeably to the accompanying Form (No. 1).

2nd.—The passports are to be carefully filled up by the Regimental or other Officers entrusted with their preparation, great care and minuteness in recording the personal appearance and particular marks of each Soldier being requisite to ensure identification and to prevent fraud.

3rd.—Each Soldier must be required to indicate the Treasuries, Civil or Military, from which he may be desirous of drawing pay. A specification thereof is to be entered in the passport in the appropriate column, and it should be distinctly explained to every Native Soldier, that in the event of any deviation from his stated route, as entered in the passport, he will receive no pay, except on arrival at one of the stations therein mentioned.

4th.—The Officers in charge of the Treasuries thus indicated should be advised of the intended payments simultaneously with the issue of the passport, and be furnished with a copy of the latter document.

5th.—The advice should also contain the probable dates of arrival of the holder of the passport at each of the stations indicated, and in the event of his arriving much earlier or later than the appointed time at any station, the Collector or Pay Master of such station should notify the circumstance to the Officers at the remaining stations entered in the passport.

6th.—No duplicate passport is to be issued without a previous reference to the Officers in charge of the several Treasuries concerned, for the purpose of ascertaining the extent of the payments that may have been made upon the original passport; and advice of the issue of a duplicate passport is invariably to be furnished to the several Treasuries therein mentioned.

7th.—The several Pay Masters, Deputy Pay Masters, Collectors, and other disbursing Officers in Bengal and the North Western Provinces, are authorized to discharge, as the same shall become due, the pay of Furlough men of the Madras and Bombay Establishments, on presentation of passports or leave certificates in the form above prescribed, provided that advice thereof has been duly received, and that the identity of the applicants has been satisfactorily established. It should be the special care of all disbursing Officers or their subordinates to compare the passport presented in each case with the copy furnished with the letter of advice, and to see that the descriptive remarks entered in both, correspond with the personal appearance of the applicant.

8th.—Receipts for all payments thus made are invariably to be taken in duplicate, and the payments are to be debited in the disbursing Officer's Account Current to Madras or Bombay, as the case may be.

9th.—A note of every payment of the date on which it is made, and of the period to which it refers, is also to be carefully entered on the back of the passport.

10th.—The disbursing Officers will furnish at the beginning of each Month's Statements (a separate statement on account of each Presidency) of the payments made by them during the preceding month in the accompanying Form (No. 2) accompanied by the original receipts to the Military Accountant at Fort William for transmission to the authorities at Fort Saint George and Bombay respectively. The duplicate receipts will accompany the Account Current as vouchers in support of the relative debits.

11th.—It is to be understood that the Monthly Statements of Payments are not, as heretofore, to be submitted to the Military Auditor General for audit, but to be forwarded direct to the Military Accountant at Fort William, their respective amounts being charged off in Account Current as above directed.

12th.—Passports will, as heretofore, be issued only from the offices of the Adjutants General at Madras and Bombay respectively, on the requisition of Commanding Officers, who will render an annual account, on the 1st January, of the number received and issued, and the balance remaining in store.

13th.—The foregoing Rules are to have effect from the 1st January 1854:—

FORM No. 1.

*Passport or Leave Certificate of
who has obtained Leave of Absence
to visit the Bengal Presidency.*

in the

Regiment

DESCRIPTION OF INDIVIDUAL.					
NAMES.	<i>Age.</i>		<i>Height.</i>		
	<i>Years.</i>	<i>Months.</i>	<i>Feet.</i>	<i>Inches.</i>	
					<i>Religion, Caste or Tribe.</i>
					<i>Prominent and particular marks.</i>
					<i>Rank or Corps.</i>
					<i>Date of Enlistment.</i>
					<i>Amount of Monthly Pay.</i>
					<i>Date up to which paid with his Regiment.</i>
					<i>Period for which leave has been granted.</i>
					<i>Stations at which the payments on this passport are to be made.</i>
					<i>Probable date of arrival at each station.</i>

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ORDERS OF THE GOVERNMENT, NORTH WESTERN PROVINCES,

FOR 1859.

JUDICIAL DEPARTMENT.

CIRCULAR No. 2 of 1859.—*From W. MUIR, Esquire, Secretary to Government, North Western Provinces, to Commissioner of* .—*Dated Allahabad, the 17th January 1859.*

ADVERTING to Para. 14 of the Circular Order No. 5335, dated the 21st December, I am directed by the Right Honorable the Governor General to communicate the following instructions in respect of the grant of licenses to carry Arms :—

2. These will be given to personages of high rank, who remained faithful, and whose position and dignity have heretofore required that they should be allowed to have some armed followers. Under this head, Rajahs, Nawabs, and extensive Landholders of name and influence, will alone be admitted to the privilege. These should be divided into classes according to their degree. The highest may be allowed to entertain as many as 50 armed men; but generally the number should not exceed 20; and in many cases it should be limited to a lower number. The license may be general, leaving it to the privileged person to choose his followers to the number sanctioned.

3. In the District of Etawah, and some other parts of these Provinces, Landholders rendered essential service to the Government by undertaking, at the request of its Officers, the maintenance of authority and order over a tract of country during the period of disturbance.

4. It is the wish of the Governor General that such persons should retain the privilege of having a number of their servants armed. Wherever, therefore, they do not fall within the class of personages of high rank already provided for in Para. 2, the District Officer will submit an application, stating the services performed, and the number of Arms recommended to be licensed in each case; and the Commissioner is empowered to grant the necessary permission.

5. Where persons of loyalty and respectability are possessed of valuable Fire-arms of European manufacture, or ornamental Arms of any description, they may be allowed to retain them after due registration.

6. The disarming is not to extend beyond the Native population.

CIRCULAR No. 11.—*From E. C. BAYLEY, Esquire, Officiating Secretary to Government, North Western Provinces, to Commissioner of* .—*Judicial Department.*—*Dated Allahabad, the 1st March 1859.*

I AM directed to communicate the following instructions, regulating the grant of licenses for the manufacture, sale, and possession of Arms and Ammunition, issued by the Honorable the Lieutenant Governor, under the provisions and supplementary to the conditions of Act XXVIII. of 1857, and in continuation of Circular Orders of this Government, Nos. 5335 of 1858, and 2 of 1859.

2. Licenses will be of 3 kinds, *viz.* (1) to manufacture and deal in Percussion Caps, (2) to manufacture and deal in Arms and Ammunition other than Percussion Caps, and (3) to possess and carry Arms and Ammunition.

3. Of these, license No. 1 will be granted by Commissioners of Divisions alone under the authority, which the Lieutenant Governor hereby conveys to them in accordance with Section VIII. of Act XXVIII. of 1857.

4. License No. 2 may be granted by Magistrates or other Officers in charge of Districts, subject to the general control of the Commissioner of their Division.

5. Licenses Nos. 1 and 2 will be issued on stamped paper of Rs. 16 value, subject *i. e.* to a fee of Rs. 16 on each license. They will be valid for one year only, and renewable at the end of each year, under the same conditions as at the original issue, and on fresh stamped paper of Rs. 16 value. They will be granted only to respectable householders on the production of two respectable sureties, to be bound under suitable penalties that the licensee will not infringe the terms of his license.

6. The holders of licenses Nos. 1 and 2 will be authorized to sell the articles specified in their own license only to persons, producing a license, empowering them to possess and carry Arms and Ammunition of the kinds they wish to purchase, and to the extent noted in that license.

7. They will be instructed to report at the nearest Thanna, on a certain day in each week, to be fixed by the District Officer, the number and amount of sales they have effected during the past week, on penalty of forfeiture of license.

8. These reports will be classified and forwarded to the Magistrate, along with the Thanna Diary of the day.

9. All holders of licenses 1 and 2 will be bound to produce their licenses on the requisition of persons authorized to make such requisition, under penalty of forfeiture of license.

10. The amount of Gunpowder to be kept for sale at one time by any holder of a license No. 2 will not be allowed to exceed 10 mounds. Any breach of the above conditions, as of those specified in Section IX. of Act XXVIII. of 1857, will subject the offender to the forfeiture of his license.

11. Licenses of the kind No. 3 may be granted by Officers in charge of Districts, but only to persons of approved character, or who can produce at least one surety for good behaviour, and who, moreover, have an ostensible means of honest livelihood; and these licenses will be issued on payment of a fee of Rs. 2, and be valid for one year subject to renewal on payment of the same fee at the end of each year, and on the same conditions as at first. The number and description of weapons and the quantity of powder (which ought not to exceed 10 seers) to be covered by the licensee will be specified.

12. The holder of a license No. 3 will be bound, when carrying arms, to produce it on the requisition of any person authorized to demand it, under penalty of forfeiture of license, but such licenses once granted will be valid in any part of the N. W. Provinces for the whole of their term.

13. Licenses of the class No. 3 are revokable by the same authority which granted them on proof of the abuse of such license, or on conviction of holders for any violent, felonious or disloyal conduct.

14. Licenses Nos. 1, 2, and 3 will be issued in English and Oordoo under the Official seal and signature of the issuing Officer, and in the annexed forms A. B. C.

15. For each a separate register and distinct series of numbers will be kept up by the issuing Officer in the forms appended D. E. F. District Officers will furnish to their Commissioners on the 1st of every month, copies of the registers of licenses granted by them, and Commissioners will classify and compile these and their own registers into General Divisional Statements, to be forwarded for the information of Government on the 1st of March and 1st of September. Commissioners will also notify to Magistrates the issue of licenses of the class Nos. 1 and 2; and the latter will in turn weekly inform

each Thannadar or superior Police Officers of all the licenses issued, during the previous week, to persons who reside within his jurisdiction.

16. Nothing in this Circular must be construed as interfering with the power, vested in Commissioners by Circular Order No. 2 of 1859, of granting special and exceptional licenses, free of the prescribed duty, of the kind No 3, to persons whom they may consider entitled to such distinctive indulgence by their loyalty or other circumstances.

17. No license extends to the manufacture, sale or possession of Cannon or Ammunition for Cannon.

18. All licenses granted previous to the issue of this order, which would, if granted under it, be subject to the payment of the prescribed amount of duty, will be considered valid for one year only from the date of issue, and will be subject to the conditions above specified on renewal at the end of that period.

19. Licenses of all kinds are to be considered strictly personal, untransferable and uninheritable.

20. The renewal of licenses at the expiration of each year will be of course discretionary.

21. The Lieutenant Governor desires me to observe that persons, who wish to take out licenses on behalf of their retainers, will usually be of the classes to whom Commissioners are authorized to grant exceptional licenses, free of all duty, by Circular Order, No. 2 of 1859. It will be sufficient in such cases to require a nominal list of the followers, for whom the privilege is solicited, and the number and description of arms each is intended to carry; such list to be valid, as in the case of an ordinary license, for one year only, at the expiry of which it must be renewed. The privilege is moreover strictly personal, and changes which occur during the year should be likewise notified. Other persons not included under the operations of Circular 2, must take out licenses for such retainers in the ordinary mode.

22. Printed forms of licenses may be procured on indent from the Superintendent of the Government Press direct.

A.

FORM OF LICENSE—No. 1.

..... Division.

No. — of 185 .

OFFICE
SEAL.

This is to certify that _____, son of _____, of the _____ caste, aged _____ years, resident of _____, in Pergunnah _____ in Zillah _____, is licensed for one year, from the date of this, to make Percussion Caps, and sell them to persons duly authorized by licenses to purchase them, according to the provisions of those licenses; and is further licensed to have on hand a stock of Percussion Caps, not exceeding _____

This license is not transferable.

الف



نمونہ لیسنس نمبر ۱

تسمت یا

نمبر بابت سنہ ۱۸۵۶

اس تحریر کی رو سے
 عمر ساکن پرگنہ ولد قوم
 تاریخ امروز سے ایک سال تک اجازت دی جاتی ہے کہ وہ توپ بنندوق کی طیار کرے اور اس شخص
 کے ہاتھ بیع کرے جنکو اختیار خریداری از روئے لیسنس بموجب شرائط لیسنس حسب ضابطہ
 حاصل ہو اور نامبردہ مجاز ہے کہ توپ بنندوق کی بقدر عدد اپنے پاس رکھے اور واضح
 ہو کہ یہ لیسنس دوسرے شخص کے پاس منتقل نہیں ہو سکتا ہے *
 دفتر کمشنری { تسمت یا
 تاریخ سنہ ۱۸۵۶
 دستخط کمشنر

مقابلہ اور رجسٹری کیا گیا

دستخط

ہید کرانی

B.

FORM OF LICENSE—No. 2.

Zillah

No. — OF 185



This is to certify that _____, son of _____, of the
 _____ caste, aged _____ years, resident of _____, in Pergunnah
 _____, in Zillah _____, is licensed for one year, from the date of
 this, to make Arms and Ammunition, other than Percussion Caps, and to sell them to

persons duly authorized by licenses to purchase them, according to the limitations and provisions of those licenses; and is further licensed to have on hand a stock of Gunpowder, not exceeding 10 maunds, and of Weapons, not exceeding the number noted below.

This license is not transferable.

Description of Weapon.	Number.

ب



نمونہ لیسنس نمبر ۲

ضلع

نمبر بابت سنہ ۱۸۵۰ ع

اس تحریر کی رو سے
 عمر ساکن پرگنہ ولد قوم
 کو ضلع
 تاریخ امروزہ سے ایک سال تک اجازت دی جاتی ہے کہ وہ اسلحہ جنگ اور باروت سوائے ٹوپے
 بندوق کے طیار کرے اور اُن اشخاص کے ہاتھ بیع کرے جنکو اختیار خریداری از روے لیسنس حاصل
 ہو بموجب شرائط و قیود اُسی لیسنس کے اور نامزدہ متجاز ہے کہ باروت بقدر عام اور اسلحہ
 جنگ بقدر اعداد مفصلہ ذیل اپنے پاس رکھے اور واضح ہو کہ یہ لیسنس دوسرے شخص کے پاس
 منتقل نہیں ہو سکتا *
 دستخط

قسم اسلحہ	تعداد

دستخط

مجسٹریٹ

مقابلہ اور رجسٹری کیا گیا

دستخط

ہیف کرائی

دفتر مجسٹریٹ
 ضلع
 تاریخ سنہ ۱۸۵۰ ع

Zillah

No.

of 185 .

This is to certify that , son of ,
 of the caste, aged years, resident of , in Per-
 gunnah , in Zillah , is licensed for one year, from this date,
 to carry and possess the Gunpowder and Weapons enumerated below.

This license is not transferable.

Name of Weapon.	Number.

Weight of Gunpowder

Seers.

MAGISTRATE'S OFFICE :

Zillah

The of 185 .

Registered and Examined.

Head Clerk.

Magistrate.

ملع

۱۸۵۰ سنه بابت

نمبر

توم

ولد

اِس تحریر کی رو سے

کو

ضلع

یہ گئے

سائن

تاریخ امروزہ سے ایک سال تک اجازت دی جاتی ہے کہ وہ باروت اور اسلحہ جنگ حسب تفصیل
 ذیل اپنے پاس رکھے خواہ ساتھ لے جاوے اور واضح ہو کہ یہہ لیسنس دوسرے کے پاس منتقل نہیں
 ہو سکتا ہے *
 باروت بقدر

تعداد	نام سلاح

ار

باروت بقدر

دستخط

دستخط مجسٹریٹ
 ضلع
 ۱۸۵۰ سنه
 تاریخ
 مقابلہ اور رجسٹری کیا گیا

د. تخط

C.

Form of License—No. 3.

Zillah _____

No. OF 185 .

OFFICE
SEAL.

This is to certify that _____, son of _____
of the _____ caste, aged _____ years, resident of _____, in
Pergunnah _____, in Zillah _____, is licensed for one year, from this date,
to carry and possess the Gunpowder and Weapons enumerated below.

This license is not transferable.

Name of Weapon.

Number.

Weight of Gunpowder _____ Seers.

MAGISTRATE'S OFFICE :

The _____ of _____ 185

Registered and Examined.

Head Clerk.

Magistrate.

نونہ لیسنس نمبر ۳

نمبر
اس تحریر کی رو سے
امروزہ سے ایک سال تک اجازت دی جانی ہے کہ وہ باروت اور اسلحہ جنگ
تفصیل ذیل اپنے پاس رکھے خواہ ساتھ لے جاوے اور واضح ہو کہ یہ لیسنس دوسرے
متعلق نہیں ہو سکتا ہے *
نام سلاح
تعداد

دستخط
منجسٹریٹ
متاثر اور رجسٹری کیا گیا
دستخط
ہیک کوانٹ

باروت بتدی

دفتر منجسٹریٹ
تاریخ
سنہ ۱۸۵۶

D.

Form of Register for License—No. 1.

No. of License.	Date.	Name of Licensee.	Father's name.	Caste.	Age—Years.	RESIDENCE.			Securities with their Residences.	Amount of recognition.	Quantity of Percussion Caps to be kept in store.	REMARKS.
						Village.	Pergunnah.	Zillah.				

E.

Form of Register for License—No. 2.

No. of License.	
Date.	
Name of Licensee.	
Father's name.	
Caste.	
Age—Years.	
RESIDENCE.	Village.
	Pernamb.
	Zillah.
Securities with their Residences.	
Amount of recognizance.	
Quantity of Gunpowder to be kept in store.	
Number of Weapons to be kept in store.	
REMARKS.	

F.

Form of Register for License—No. 3.

[illegible]

CIRCULAR No. 12.—From E. C. BAYLEY, *Esquire, Officiating Secretary to Government, North Western Provinces, to Commissioners* —Dated Allahabad, the 30th March 1859.

I AM desired to request that you will in future, instead of forwarding applications for leave of absence, submitted through your Office, direct to Government, send them under flying seal to the Civil Auditor, who will submit a Memorandum with each application for the information of Government.

CIRCULAR No. 15.—From F. B. OUTRAM, *Esquire, Officiating Under-Secretary to Government, North Western Provinces, to the Commissioner of* —Judicial Department, (Criminal).—Dated Allahabad, the 4th April 1859.

I AM directed by the Honorable the Lieutenant Governor to request you to take measures for the enforcement in the districts of your Division, of the provision of Act III. of 1857, regarding the establishment of Pounds for stray cattle, and to convey the following instructions for your guidance, which were embodied in orders of this Government, Nos. 2725 and 3008, dated respectively the 24th April and 4th May 1857, addressed to the Commissioner of Agra.

2.—Pounds will be established under the above Act at all Thannah stations, and also at outposts which are under 1st class Jemadars in the several districts within your jurisdiction.

3.—Where they do not already exist, new ones will be constructed at a cost not exceeding, at a Thannah station, Rs. 100, and at a 1st class Jemadar's outpost Rs. 50. The necessary advances may be made from the public funds, though the whole amount expended will be eventually recovered from the receipts of the Pounds themselves.

4.—As it is considered objectionable and inconsistent with the intention of the Act that police officers of any grade should be placed in charge of the Pounds, a separate Pound-keeper will be appointed to each by the Magistrate, on a salary not in any case exceeding Rs. 12 per mensem.

5.—It will be the duty of the Pound-keeper to provide for the proper care and tending of the cattle impounded out of his own salary, and also to keep up the register and account of receipts and disbursements required by Sections 4 and 5 of the Act.

6.—These registers should be strictly kept in an uniform model, a specimen of which is forwarded with this letter. The Lieutenant Governor will leave all minor measures of precautionary detail that may be in the enforcing of the Act to the experience and discretion of the Magistrates themselves under your own general supervision.

7.—As the arrangements above directed are to be considered for the present as only experimental, you will submit, at the end of six months, a report on the general working of the Act, with the accounts of receipts and disbursements under it, for the several districts under your superintendence.

8.—With a view to make generally known the provisions of the Act, printed copies of it in Hindi and Oordoo will be furnished to you for circulation and distribution by the local officers, and you will be careful to see that the notice provided for in the third section of the Act is properly given.

Proposed Form of Register to be kept up by Pound-keepers under Act III. of 1857.

REGISTER OF CATTLE IMPOUNDED AT			PERGUNNAH,	ZILLAH.
For the			ending	
Date of reception in Pound.	Species of Animal.	Number of Animals.	Name and Residence of Person by whom seized.	Name of Residence of Owner.
			Date of release from Pound.	Amount of Fine paid.
			Amount charged for feeding.	Signature* of individual removing animal released on payment of the prescribed Fine.
			Signature of Official removing unclaimed animal for sale by auction.	
				REMARKS.

* Or mark with signature of two witnesses in attention.

DAY BOOK.

[illegible]

ایکٹ نمبر ۳ بابت سنہ ۱۸۵۷ع

ایکٹ مندرجہ ذیل جلسہ لیجس لیٹف کونسل سے تجویز ہو کر پیشگاه امیر کبیر جناب نواب گورنر جنرل بہادر سے بتاریخ ۳۱ جنوری سنہ ۱۸۵۷ع منظور کیا گیا *

ایکٹ بابت مداخلت بیجا از جانب مویشی

• ہرگاہ کاشتکاروں اور قابضان اراضی کو اس طرح نقصان اور زیرباری ہوتی ہی کہ مویشی کی مداخلت بیجا سے فصل استادہ اور دیگر اقسام پیداوار اراضی میں نقصان ہوتا ہی اور ہرگاہ مویشی شارع عام کے کناروں پر اور باندھے پر مداخلت بیجا کر کے ضرر پہنچاتے ہیں اور یہہ بات قرین مصلحت ہی کہ واسطے گرفتاری اور باندھے رکھنے مویشیان ضرر رسان کے اختیار دیا جاوے اور واسطے بندوبست مویشی آوارہ جو کسی مقام سرگرمی میں پائے جائیں شرائط مناسب تغان یادیں لہذا حسب ذیل حکم ہوتا ہی *

• دفعہ ۱ دفعہ ۲ قانون ۵ سنہ ۱۸۳۰ع مجموعہ بنگالہ اور دفعات ۱۲ و ۵۲ قانون ۱۱ سنہ ۱۸۱۶ع مجموعہ مندراس اور اس قدر عبارت دفعات ۱۹ و ۳۵ و ۵۳ قانون ۱۲ سنہ ۱۸۲۷ع مجموعہ بنہی کی جسمیں مجسٹریٹوں اور انسراں پولیس کو اختیار دیا گیا ہی کہ اپنی تجویز سے مویشی آوارہ کو گرفتار کر کے بندوبست کریں اس دفعہ کی رو سے منسوخ ہوئی *

• دفعہ ۲ کاشتکار اور قابض اراضی کو اختیار ہوگا کہ جو مویشی انکی اراضی پر مداخلت بیجا کر کے اراضی یا فصل یا آؤر پیداوار کو ضرر پہنچاتا ہو اسکو گرفتار کر کے بلا توقف بیجا اس موضع یا قصبہ کی حوالات مویشی میں بھیج دیوے جسمیں اراضی واقع ہو اور اہلکاران موضع و دیگر ملازمان پولیس کو چاہیئے کہ کاشتکاروں اور قابضان اراضی کی درخواست پر گرفتاری مویشی میں انکی مدد کریں *

• دفعہ ۳ حوالات مویشی ہر تھانہ یا مقام پولیس ضلع یا آؤر مقامات پر جہاں جہاں صاحب مجسٹریٹ باطاعت احکام لوکل گورنمنٹ تجویز کرے مقرر ہونگی اور جس موضع یا مواضع سے ہو ایک حوالات مویشی متعلق ہو صاحب مجسٹریٹ کی تجویز سے قرار پا کر مشہور کیئے جائینگے *

• دفعہ ۴ حوالات ہاے مذکورہ صاحب مجسٹریٹ ضلع کے زیر اختیار رہینگے اور ہر حوالات پر ایک محافظ متعین رہیگا اور محافظ مذکور حسب ہدایت لوکل گورنمنٹ بھی جائت رجسٹر مرتب کر کے کیفیت ارسال کرتا رہیگا مگر شرط یہہ ہی کہ پریزیڈنسی ہاے مندراس و بنہی میں سرگروہ موضع و پولیس پائل لوگ بلا تقرر خاص کے حوالات موضع کے محافظ سمجھے جائینگے *

• دفعہ ۵ جب مویشی حوالات میں پہنچیں تو محافظ کو چاہیئے کہ تعداد اور تفصیل تسم جانور اور نام و سکونت گرفتار کنندہ معہ نام و سکونت مالک جانور اگر معلوم ہو اپنے رجسٹر میں چ کر کے نقل فرد رجسٹر کی گرفتار کنندہ کو دیوے معہذا محافظ کو لازم ہی کہ جب تک مویشی ب مندرجہ ذیل اسکی سپردگی سے علیحدہ نہ ہوے مویشی کی خبر گیری و خوراک کی سب کرے *

دفعہ ۶ ہر مویشی پر جو حسب مصلہ بالا حوالات میں آئے جرمانہ حسب شرح ذیل لیا جاویگا *

۸	--	--	--	--	--	--	--	ہر اونٹ، یا بھیڑیں پینچے
۴	--	--	--	--	--	--	--	ہر اسپ یا بابو یا ساند یا بیل یا گامادہ پینچے
۲	--	--	--	--	--	--	--	ہر بچہ گاو یا خر پینچے
۱	--	--	--	--	--	--	--	ہر بھیڑی یا بکری پینچے

اور سوائے اُس صورت کے جس میں حاکم ذی اختیار سے حکم آئے محافظ کسی مویشی کو بلا اخذ جرمانہ مقررہ کے رہا نہ کریگا *

دفعہ ۷ اگر مالک حاضر ہو کر مویشی کا دعویٰ کرے تو بعد لینے جرمانہ مقررہ سے قیمت خوراک بموجب اُس شرح کے جو بتجویز صاحب رجسٹریٹ وقتاً فوقتاً قرار پاوے مویشی مالک کو واپس کیا جائیگا اور ہر وقت لینے مویشی کے مالک محافظ کے رجسٹر میں اُسکی رسید لکھ کر دستخط کر دیگا اور فہرست تعداد جرمانہ اور شرح قیمت خوراک مویشی مذکور ہر ایک حوالات کے اندر یا اُسکے قریب میں کسی مقام نظرگاہ عام پر آویزان کی جائیگی *

دفعہ ۸ اگر حوالات میں آنے کی تاریخ سے سات دن کے اندر مویشی کا کوئی دعویٰ دار نہ ہو تو محافظ کو چاہیئے کہ داروغہ یا پولیس افسر ضلع کے پاس اُسکی رپورٹ بھیجے اور داروغہ یا پولیس افسر اشتہار متضمن تفصیل تعداد اور قسم مویشی اور مقام گرفتاری اور مقام حوالات تھانہ کے کسی منظر عام پر آویزان کر کے اُس گانوں میں اور اُس بازار یا ہانت میں جو مقام گرفتاری سے قریب تر ہو بذریعہ ضرب دھل اُسکی منادی کراویگا اور اگر تاریخ اشتہار سے سات روز کے اندر مویشی کا کوئی دعویٰ دار نہ ہو تو داروغہ یا پولیس افسر ضلع یا پولیس کا کوئی آؤر اہلکار جو اُس کام کے واسطے مقرر ہوتا مویشی کو نیلام کریگا *

دفعہ ۹ اگر مالک مویشی حاضر آکر جرمانہ اور خرچ خوراک کے دینے سے انکار کرے تو کل مویشی یا جس قدر مناسب معلوم ہو واسطے حصول زر جرمانہ اور خرچ خوراک کے معونت داروغہ یا دیگر اہلکار منصلہ بالا نیلام کیا جائیگا اور مویشی باقی ماندہ مع بقایاے زر ٹمن نیلام اگر کچھ باقی رہے مالک کو بشمول قطعہ فرد حساب دیا جاویگا اور اُس فرد میں تعداد مویشی گرفتار شدہ اور وقت ادخال حوالات اور صرف بابت جرمانہ و خوراک اور تعداد مویشی نیلام شدہ اور تعداد زر ٹمن اور تفصیل تصرف زر ٹمن مندرج ہونگی اور مالک قطعہ رسید بابت مویشی واپس یافتہ اور بقایاے زر ٹمن جو اُسکو بموجب فرد حساب کے دیا جاوے لکھدیوینگا مگر شرط یہ ہے کہ اگر نالاش بفراضی گرفتاری مویشی بموجب دفعہ ۱۳ ایکٹ ہذا پیش کی جاوے تو جب تک نالاش فیصل نہر لیوے نہلام ملتوی رہیگا بلکہ جو کچھ حکم نالاش مذکور پر صادر ہووے وقوع اور عدم وقوع نیلام اسپر منحصر رہیگا *

دفعہ ۱۰ پولیس افسران اور محافظان حوالات کو تاکید کی جاتی ہے کہ وہ کسی نہج پر خریدنے یا حیلنے مویشی مذکور کو جو بموجب ایکٹ ہذا نیلام ہووے نہ خرید کریں *

دفعہ ۱۱ جب مویشی حسب شرائط ایکٹ ہذا نیلام ہوں تو زر جرمانہ جو قابل اخذ ہووے اور کل خرچ خوراک مع خرچ نیلام اگر نیلام میں کچھ خرچ ہوا ہو زر ثمن سے وضع کیا جائیگا اور داروغہ یا پولیس افسر ضلع کو چاہیئے کہ جو کچھ زر جرمانہ انکو وصول ہووے یا بموجب دفعہ ۷ ایکٹ ہذا محافظان حوالات کو وصول ہووے حضور صاحب مجسٹریٹ میں ارسال کریں اور خرچ خوراک جو زر ثمن نیلام سے وضع کیا جاوے محافظوں کو دیا جائیگا اور جو کچھ روپیہ محافظوں کو بابت خرچ اقسام مذکورہ بموجب دفعہ ۷ کے وصول ہو وہ انکے پاس رکھیں اور مویشی لاوارثی کے نیلام سے جو کچھ زر ثمن فاضل رہے وہ صاحب مجسٹریٹ کے پاس بھیجا جائیگا اور صاحب موصوف اُس زر کو تین مہینے تک تہا زت میں رکھیں اور اگر اُس میعاد کے اندر کوئی دعویٰ پیش ہوکر ثابت نکلیا جائیگا تو صاحب موصوف زر مذکور کی نسبت حسب مفصلہ ذیل کاربند ہوگا *

دفعہ ۱۲ جو روپیہ بابت جرمانہ وصول ہو یا مویشی لاوارثی کے نیلام سے حاصل ہو اور اُسکی بابت دعویٰ نہ ہو وہ کل روپیہ یکجا ہو کے اُس غرض سے جمع رکھیں گے اُس میں سے تنخواہ محافظان حوالات بموجب احکام لوکل گورنمنٹ جو کچھ قرار پاوے یا خرچ بابت تعمیر اور قیام جاع حوالات یا آؤر قسم کے اخراجات جو اِس ایکٹ کی تعمیل میں ضرور پریں دیئے جائیں گے *

دفعہ ۱۳ اگر کوئی شخص جبراً اُس مویشی کی گرفتاری میں مزاحم ہووے جو کسی اراضی یا فصل یا دیگر پیداوار اراضی کو نقصان پہنچاتا ہووے یا بعد گرفتاری مویشی کے جبراً حوالات سے چھڑا لاوے یا جب گرفتار کنندہ اُس مویشی کو حوالات میں لے جاتا ہووے جبراً اُسکے ہاتھ سے چھڑا لیوے تو مجرم مذکور سزاوار قید بلا یا با مشقت تا میعاد چھ مہینہ یا مستوجب جرمانہ تا مبلغ پانسو روپیہ کے ہوگا یا اُسکے کہ ہو دو سزا قید اور جرمانہ اُسپر عائد کی جائیں اور واضح ہو کہ افسران پولیس تجویز جرائم متعلقہ ہذا بموجب دفعہ ۲۵ قانون ۲۰ سنہ ۱۸۱۷ع مجموعہ بنگالہ اور دفعہ ۲۷ قانون ۱۱ سنہ ۱۸۱۶ع مجموعہ مندراس اور دفعہ ۳۳ قانون ۱۲ سنہ ۱۸۲۷ع مجموعہ بنیٹی عمل میں لائیں گے *

دفعہ ۱۴ ہو شخص کو جسکا مویشی اِس علت میں گرفتار ہوکر حوالات میں کیا گیا ہو کہ اُس مویشی نے اراضی یا فصل یا پیداوار اراضی کو نقصان پہنچایا اختیار ہی کہ بناراضی گرفتاری مذکورہ تاریخ گرفتاری سے دس روز کے اندر بحضور صاحب مجسٹریٹ یا جالینٹ یا ڈپٹی یا اسسٹنٹ مجسٹریٹ یا دوسرے اہلکار کے حضور جو اختیار توجہ داری رکھتا ہو اور جو بلا سپردگی مجسٹریٹ کے اختیار سماعت اور تجویز جرائم کا رکھتا ہووے نالش کرے معذرا مستغیث کو اختیار ہی کہ شکایت زبانی کرے اور اُس صورت میں صاحب مجسٹریٹ یا دوسرا اہلکار مذکور اُسکی شکایت قلمبند کریگا یا اپنی شکایت کاغذ سادہ پر لکھے اصالتاً حاضر ہوکر داخل کرے یا معرفت ایسے مختار کے گذرانے جو حالات سے خود واقف ہووے اور اگر مجسٹریٹ یا دوسرا اہلکار مذکور بعد سماعت بیان مستغیث یا اُسکے مختار کے شکایت کو راست اور درست تصور کرے تو مجسٹریٹ یا اہلکار مذکور مستغیث علیہ کو طلب کر کے مقدمہ کی تحقیقات سرسوی شروع کریگا اور اگر اُسکے نزدیک گرفتاری ناجائز قرار پاوے تو مستغیث کو اُس قدر زر ہرجہ دلایا جائیگا جو بمعارضہ اُس نقصان یا زہرباری کے جو گرفتاری اور قبضہ داری ناجائز مویشی سے اُسکے عائد حال ہو اور اُس روپیہ کے جو ارجاع نالش اور واپس پانے مویشی میں صرف ہو ہو مناصب معلوم ہووے مگر زر ہرجہ کسی صورت میں ایک سو روپیہ سے زائد نہ ہوگا اور اگر مویشی رها نکلیا گیا ہو تو مجسٹریٹ یا دیگر

اہلکار مذکور سوائے حکم دلانے ہرچہ کے اُسکی رہائی کا حکم دینا اور اس بات کی ہدایت صادر کرینا کہ زر جرمانہ اور صرف خورداک وغیرہ جو بموجب ایکٹ ہذا قابل اخذ ہیں گرفتار کنندہ سے لیا جاوے اور لوکل گورنمنٹ کو اختیار ہی کہ منصفوں اور دیگر اہلکاران عدالت کو جو سماعت ابتدائی کے متجاوز ہیں اور اختیارات فوجداری نہیں رکھتے ہیں یہ اختیار جدید عطا کرے کہ وہ مقدمات متعلقہ دفعہ ہذا کو سماعت اور فیصل کریں لیکن ہر وقت تعمیل اختیار مذکور کے منصف وغیرہ انہیں قواعد کے پابند ہونگے جو صاحبان اسسٹنٹ اور دیگر اہلکاران ماتحت مجسٹریٹ سے متعلق ہیں *

دفعہ ۱۵ اہلکاران مہتمم شارع عام اور انہار اور باندھے وغیرہ کو اختیار ہی کہ جو مویشی شارع یا نہر یا باندھے کے کنارے یا ڈھال پر نقصان کرتے ہوں اُنکو گرفتار کریں یا کراویں اور جملہ شرائط ایکٹ ہذا جو دفعات بالا میں مندرج ہیں گرفتاری مذکور سے متعلق ہونگے *

دفعہ ۱۶ اہلکاران موضع اور دیگر افسران پولیس کو چاہیئے کہ جس قدر مویشی کسی سڑک یا مقام سرکاری میں آوارہ پائے جائیں اور جنکے مالک نا معلوم ہوں اُنکو حوالات مقررہ دفعہ ۳ ایکٹ ہذا میں پہنچاویں اس صورت میں جملہ شرائط ایکٹ ہذا در باب باندھے رکھنے اور رہا اور نیلام کرنے اُن مویشی کے جو بحالت مداخلت بیچا یا ضرر رسانی کے گرفتار ہوویں اُن مویشی سے بھی متعلق ہونگے جو بموجب دفعہ ہذا حوالات میں پہنچا کریں *

دفعہ ۱۷ اگر کوئی شخص مویشی سے بیچا مداخلت کراے مرتکب ضرر رسانی ہووے تو جو کچھ سزا اُس جرم کی مقرر ہو وہ ہر طبقہ گذرنے والش اُس شخص کے جو بموجب دفعہ ۲ ایکٹ ہذا اختیار گرفتاری مویشی کا رکھتا ہی یا اُس شخص کے جس نے زر تقاروی بابت کاشت اراضی اور حصول پیداوار کے دیا ہو تجویز ہو سکتی ہی اور جو کچھ جرمانہ ہر وقت تجویز قرار پاوے وہ اُس مویشی کے نیلام سے جس نے مداخلت بیچا کی ہو یا اُسکے جزو کے نیلام سے عام اس سے کہ مویشی بحالت ارتکاب مداخلت بیچا میں گرفتار ہوا ہو یا نہیں اور بلا لحاظ اُسکے کہ مویشی مذکور خاص اُس شخص کا مال تھا جس پر جرم ثابت ہوا یا ہر وقت وقوع مداخلت صرف اُسکی سپردگی میں تھا وصول کیا جاوینا *

دفعہ ۱۸ اگر کوئی مالک یا پاسبان سڑروں کا غفلت سے یا بوجہ دیگر کسی اراضی یا فصل یا پیداوار اراضی پر اس طرح نقصان کرے یا کراوے کہ سڑر اُنہر مداخلت بیچا کرنے پاوے تو شخص مذکور بعلمت جرم مزبور دس روپیہ تک کے جرمانہ کا مستوجب ہوگا اور جو کچھ روپیہ بموجب دفعہ ہذا اور دفعہ ۱۷ ایکٹ ہذا وصول کیا جاوے کل یا جزو اُسکا بمعاضہ اُس خسارے کے جو بعد ثبوت اطعنائی صاحب مجسٹریٹ کے عائد حال مستغیث ہوا ہو مستغیث کو دلایا جائیگا *

دفعہ ۱۹ اس ایکٹ کی کسی عبارت سے اُس شخص کو جسکی فصل یا پیداوار اراضی بوجہ مداخلت بیچا مویشی برباد ہوئی ہو اس امر کی ممانعت نہوگی کہ وہ محکمہ ذی اختیار میں والش زر خسارے کی پیش کرے الا شرط یہ ہی کہ اگر کچھ روپیہ بطور معارضہ بتجویز صاحب مجسٹریٹ والش کنندہ کو دلایا گیا ہو تو وہ روپیہ تعداد خسارے میں جسٹس وہ دعویدار ہی یا جو حکم حاکم سے اُسکو دلایا جاوے دفع کیا جاوینا *

दफ्ते १० * بعد حصول منظوری امیر کبیر جناب نواب گورنر جنرل اجلاس کونسل کے لوکل گورنمنٹ کو اختیار ہی کہ جس ضلع یا خطہ زمین میں جاری ہونا شرائط ایکٹ ہذا کا بدانتست گورنمنٹ مذکورہ نا مناسب معلوم ہو ایکٹ ہذا کو اُس ضلع یا خطہ میں نافذ نہ فرماویں *

دفعہ ۲۱ بر وقت اخذ معنی عبارت ایکٹ ہذا الفاظ بمعنی واحد الفاظ بمعنی جمع پر اور الفاظ جمع الفاظ واحد پر حاوی ہونے اور الفاظ بمعنی مذکور مؤنث پر بھی دلالت کرینگے اور لفظ مجسٹریٹ میں جائینٹ مجسٹریٹ اور ہر ایک اہلکار جو قانوناً اختیار مجسٹریٹ عمل میں لانا ہو شامل ہوگا اور اضلاع مغربی و شمالی میں لنظ داروغہ و پولیس انسرف ضلع اُس تحصیلدار یا نائب تحصیلدار پر دال ہوگا جسکو اختیارات پولیس حاصل ہیں *

دفعہ ۲۲ ایکٹ ہذا یکم مئی سنہ ۱۸۵۷ ع سے نافذ اور واجب التعمیل ہوگا *

एकू नम्बर ३ सन् १८५० ई०

यह एकू जो नीचे लिखा है लेजिस लेटिब सभा से तजवीज होकर श्रियुत गवर्नर जनरल बहादुर के हुज़ूर से ३१ जनवरी सन् १८५० ई० को मंज़ूर किया गया ॥

पशुओं से कृषी आदि की हानि के बिषय में

• किसानों और ज़मीनदारों को पशुओं के कारण खेती खड़े नाज वा कंदमूलादि पैदावारी में हानि होती है और सड़क वा बांद के किनारों पर नुकसान पहुंचता है इस से यह बिचार करा है कि उन पशुओं के पकड़ने और बांधने का अधिकार दिया जाय और जो पशु भूले भटके पाये जाते हैं उनका बन्दोबस्त कराया जाय इसलिये नीचे लिखी हुई आज्ञायें दीजाती हैं ॥

१ बंगाल के क़ानून ५ सन् १८३० ईसवी की दफ़ा ४ मद्राज के क़ानून ११ सन् १८१६ ईसवी की दफ़ा १२ और ५२ और बंबई के क़ानून १२ सन् १८२० ईसवी की दफ़ा १६ और ४५ और ५३ की उतनी बार्ता जिस में मेजिस्ट्रेटों और पुलिस के अधिष्ठाताओं का अधिकार दिया गया है कि अपनी तदवीर से भूले भटके पशुओं को पकड़कर बन्दोबस्त करें इस दफ़ा के अनुसार वे सब दफ़ायें नष्ट हुई ॥

२ किसानों और ज़मीनदारों को अधिकार होगा कि जो पशु उनकी ज़मीन में आकर खेत वा पैदावार को बिनासें, उनको शीघ्र पकड़कर उस गांव वा क़सबे की जिस में ज़मीन लगती हो पशुओं की हवालात में भेज दें और गांव के अहल-

कार और पुलिस के नौकरों को चाहिये कि किसानों और जमीनदारों के कहने पर पशुओं के पकड़ने में सहायता करें ॥

३ हर थाने या मुकाम पुलिस ज़िले वा और स्थानों पर जहाँ जहाँ साहिब मेजिस्ट्रेट लोकल गवर्नमेंट की आज्ञानुसार तजवीज़ करे यह पशुओं की हवालात मुक़रर होगी और जिस गांव अथवा गांवों से वे पशुओं की हवालातें लगती होंगी साहिब मेजिस्ट्रेट की तजवीज़ से निश्चय होकर प्रगट करी जायंगी ॥

४ ये सब हवालातें ज़िले के साहिब मेजिस्ट्रेट के अधिकार में रहेंगी और प्रत्येक हवालात पर एक रखवाला रहेगा वह रखवाला लोकल गवर्नमेंट की आज्ञानुसार रजिस्टर वही तैयार करके कैफ़ियत भेजता रहेगा परंतु हाते मन्दराज और वंदई में जब तक और आज्ञा खास जारी न हो तब तक गांव के सरदार वा पुलिस पाटल लोग गांव की हवालात के रखवाले समझे जायेंगे ॥

५ जब पशु हवालात में पहुँचें तब हवालात के रखवाले को उचित होगा कि उनकी गिनती और किस्म पकड़नेवाले का स्थान और नाम और पशु के मालिक का नाम और स्थान जो मालूम होय अपनी रजिस्टर वही में लिखकर नक़लपत्र रजिस्टर का पकड़नेवाले को दे दे और जब तक पशु नीचे लिखे अनुसार उसके अधिकार में रहें तब तक उनके खाने पीने का उपाय करे ॥

६ हर एक पशु जो ऊपर लिखे अनुसार हवालात में आवेगा तो नीचे लिखे हुए निर्र्ख के बमूजिब ज़रिमांना लिया जायगा ॥

प्रत्येक ऊंट वा भैंस पीछे	॥
प्रत्येक टट्टू घोड़ा सांड बैल वा गाय पीछे	॥
प्रत्येक गाय के बच्चे वा गधे पीछे	॥
प्रत्येक भेड़ वा बकरी पीछे	॥

और रखवाला सिवाय हुक़्म हाकिम अधिकारवाले के बिना जुर्माना लिये किसी पशु को न छोड़ेगा ॥

७ जो मालिक आकर अपने पशु का दावा करे तो निश्चित जुर्माना मय कीमत खुराक उस निर्र्ख के अनुसार जो साहिब मेजिस्ट्रेट की आज्ञा से नियत होय लेकर पशु मालिक को फेर दिया जायगा और मालिक पशु के लेने के समय रखवाले की रजिस्टर वही में रसीद लिखकर अपने दस्तख़त करेगा एक फ़िहरिस्त जुर्माने की और पशु की खुराक कीमत की प्रत्येक हवालात के भीतर अथवा उसके निकट ऐसे स्थान पर जिस में सब लोग देख सकें लटकाई जायगी ॥

८ यदि हवालात में आने की तारीख से ७ दिन के भीतर पशु का कोई दावेदार न होय तो रखवाले को उचित है कि दरोगा अथवा पुलिस के अफसर के पास उसकी खबर भेजदे और दरोगा वा पुलिस का अफसर एक इश्तहार जिस में पशुओं की संज्ञा ज्ञात और पकड़ने का स्थान लिखा रहेगा थाने की किसी प्रसिद्ध जगह पर लटकावेगा और इश्तहार की तारीख से ७ दिन के भीतर पशु का कोई दावेदार न हो तो दरोगा वा पुलिस का अफसर ज़िला या कोई और अधिकारी जो उस काम के लिये नियत होगा पशु को नीलाम करेगा ॥

९ जो पशु का मालिक आकर जुर्माना और खुराक खर्च के दाम देने में नाहीं करे तो युक्त दामों के प्राप्ति करने के लिये सब या थोड़े पशु जितने उचित समझे दरोगा वा किसी और ऊपर लिखे अधिकारी की मारफत नीलाम किये जायेंगे और बाकी रहे पशु मय उस द्रव्य के जो नीलाम के रुपये में से खुराकादि खर्च लेके बाकी रहे मालिक के हिसाब की फर्द के साथ दिया जायगा उस फर्द में पकड़े हुए पशुओं की गिनती और हवालात में आने का समय और खर्च जुर्माना और खुराक और गिनती उन पशुओं की जो नीलाम हुए और उनके दाम और नीलाम के दामों से जो खर्च हुआ हो उसकी तफसील लिखी जायगी और मालिक रसीद पशुओं और दामों की जो उसे मिले लिख देगा परंतु जो पशु के पकड़ने की नाराज़ी में इस ऐक्ट की १४ दफ़े के अनुसार नालिश की जावे तो जब तक फैसला न हो तब तक पशु नीलाम न होगा अर्थात् जो कुछ हुक्म नालिश पर दिया जाय नीलाम होना या न होना उसी पर निश्चय रहेगा ॥

१० पुलिस के अधिकारी और हवालात के रखवाले को मना किया जाता है कि वे आप किसी तरह से प्रगट वा गुप्त उस पशु को जो इस ऐक्ट के अनुसार नीलाम होय खरीद न करें ॥

११ जब पशु इस ऐक्ट के अनुसार नीलाम हो तब जुर्माने का रुपया जो लेने के लायक हो और सब खर्च खुराक नीलाम का खर्च जो कुछ पड़ा हो सो नीलाम के द्रव्य से लिया जायगा और दरोगा वा पुलिस के अधिकारी को चाहिये कि जो कुछ जुर्माना उनके पास जमा हो इस ऐक्ट की १७ दफ़े के अनुसार हवालात के रखवाले पास जमा हो सो सब साहिब मैजिस्ट्रेट के पास भेज दे और खर्च खुराक जो नीलाम के रुपये से लिया जाय वह रखवालों को दिया जायगा और रखवाले को जो कुछ रुपया ऊपर के खर्चों के मध्ये ७ दफ़े के अनुसार मिला हो उसके पास रहेगा और अनाथ पशुओं के नीलाम में से जो कुछ रुपया खर्चकर बाकी रहे वह साहिब मैजिस्ट्रेट के पास भेजा

जायगा साहिब मेजिस्ट्रेट उन रुपये को ३ महीने तक अमानत रखेगा और जो उस समय के भीतर कोई दावा पेश होकर साबित नहीं किया जायगा तो साहिब मेजिस्ट्रेट उस रुपये को नीचे लिखे अनुसार काम में लावेगा ॥

१२ जो रुपया जुर्माने से प्राप्त हो अथवा अनाथ पशु के नीलाम से मिले और उसके लिये दावा न हो तो वह सब रुपया इकट्ठा करके इस अभिप्राय से जमा रहेगा कि उस में से हवालात के रखवाले की तलब लोकल गवर्नमेंट की आज्ञा से निश्चय करी जाय वा जो खर्च हवालात के मकान बनाने में और उसके बन्दोबस्त में पड़े दिया जायगा ॥

१३ जो कोई मनुष्य किसी की ज़मीन वा फ़सलों वा और पैदावार को बिगाड़ते पशु के पकड़ने में ज़ाराबरी मना करे वा पशु को पकड़े जाने के पीछे ज़ाराबरी हवालात से छुड़ा लावे वा जब पकड़नेवाला उस पशु को हवालात में लेजाता हो उसके हाथ से ज़बरदस्ती छुड़ाये ले तो वह मनुष्य बिना महनत वा महनत सहित ६ महीने की मोआद की कैद वा १००) रुपये जुर्माने के लायक होगा या उसको दोनों प्रकार के दंड मिलें प्रगट हो कि पुलिस के अधिकारी इस दफ़े में लिखे अपराधियों की वंगाल के क़ानून २० सन् १६१० ईसवी की दफ़ा २५ और मन्दराज के क़ानून ११ सन् १८१६ ईसवी की दफ़ा २७ और बंबई के क़ानून १२ सन् १८२० ई० की दफ़े ४३ के अनुसार तजवीज़ करेंगे ॥

१४ जिन मनुष्यों का पशु ज़मीन वा खेत वा पैदावारी ज़मीन को बिगाड़ते पकड़ा गया होय तो उन्हें इस्तिथार है कि जो वे पशु के पकड़े जाने की तारीख़ से १० दिन के भीतर साहिब मेजिस्ट्रेट वा जाइंट वा टिपटी वा असिस्टेंट मेजिस्ट्रेट वा दूसरे अधिकारी जिसे फ़ौजदारी का अधिकार हो और जो बिना मुपुर्दगी मेजिस्ट्रेट के मुनने और अपराधों की तजवीज़ करने का अधिकार रखते हों उनकी कचहरी में नालिश करे और सिवाय इन बातों के फ़रयादों को उचित है कि वह मुंह से कहे उस मूरत में साहिब मेजिस्ट्रेट वा दूसरा अधिकारी उसकी फ़रयाद आप लिखेगा वा अपने दुःख को सादे कागज़ पर लिखकर आप टाइल करे वा किसी ऐसे मुस्तिथार के हाथ गुज़राने जो उन बातों में सम्मत्ता हो और जो मेजिस्ट्रेट वा दूसरा अधिकारी फ़रयाद को मुनकर सच समझे तो उस मनुष्य को जिस पर नालिश हो बुलाकर मुकदमे की तहकीकात सरसरी शुरू करे और जो उसके पशु का पकड़ना अनुचित हो तो फ़रयादी को उसको ज़रबारी और नुक़सान के मद्दे इतना हरजे का रुपया दिलाया जायगा जितना नालिश करने वा पशु की ख़ुराक खर्च होना मुनासिब मालूम होगा परंतु हरजे

के दाम १००) रुपये से बढ़ती न होंगे और जो पशु छोड़ा न गया हो तो मेजिस्ट्रेट वा और अधिकारी हरजे के दाम दिलाने के सिवाय उसके छोड़ देने का आदेश देगा और यह बात जता देगा कि जुर्माना और खुराक आदि खर्च जो इस ऐक्ट के नियम से लेने के लायक है पकड़नेवाले से लिया जावे और लोकल गवर्नमेंट को इस्तिस्नान है कि मुनिसिफ वा और दूसरे अदालत के अधिकारियों को जिनको पहिली नालिश मुनने का अधिकार है और फौजदारी का नहीं है यह नवीन अधिकार उन्हें दे कि वह मुकदमा जो इस दफे के अनुसार हो सुने और फैसला करे मुनिसिफ आदि ऊपर लिखे हुए अधिकारों को पाकर उन्हीं कायदों पर चलेंगे जिन पर साहिब असिस्टेंट और मेजिस्ट्रेट से नीचे वा दूसरे अधिकारी चलते हैं अर्थात् उन्हें असिस्टेंट और जाइंट मेजिस्ट्रेट से विशेष अधिकार नहीं है ॥

१५ रस्ते वा नहर वा बाँध आदि के अधिकारियों को इस बात का इस्तिस्नान है कि जो पशु रस्ते वा बाँध के किनारे ढाल को नुकसान करता होय उन्हें पकड़े वा पकड़वावे और सब शर्तें जो इस ऐक्ट की ऊपर की दफों में लिखी गई हैं उस गिरफ्तारी से मुताबिक होंगी ॥

१६ गांव वा पुलिस के अधिकारियों को चाहिये कि जहां कहीं पौहे को किसी मड़क वा सरकारी मकान में छूटे फिरते हुए पावे और जिनके मालिक न मिलें उन्हें इस ऐक्ट की दफा ३ में लिखी हुई हवालात में पहुंचावे इस ऐक्ट की सब शर्तें जो उन पशुओं के लिये जिन्हें विगाड़ करने के कारण बांध रखने वा छोड़ देने और नीलाम करने में प्रचलित हैं वे सब इन पशुओं के जो इस दफे के अनुसार हवालात में पहुंचा करेंगे घटित होंगी ॥

१७ यदि कोई मनुष्य पशु से कुसूर कराके किसी चीज पर नुकसान पहुंचावे तो उस मनुष्य को जो इस ऐक्ट की दफा २ के समान पकड़ने का अधिकार रखता हो या उस मनुष्य को जिसने पहिले द्रव्य जमीन को जुताई और पैदावार लेने को दिया है उनकी नालिश करने के समय उस अपराध के दंड की तजवीज़ की जायगी और इस तजवीज़ के समय जो कुछ जुर्माना निश्चय होगा वह सब या थोड़े अपराधी पशुओं को नीलामकर प्राप्त किया जायगा और यह विचार नहीं किया जायगा कि पशु जिस समय कुसूर करता था उसी समय पकड़ा गया था वा नहीं या वह पशु खास माल उस मनुष्य का था जिस पर अपराध साबित हुआ या अपराध करने के समय केवल उस मनुष्य की रखवाली में था ॥

१८ जो कोई सूकरों का मालिक या रखवाला भूल से या और तरह से ज़मीन या खड़ी खेती या पैदावारी ज़मीन को नुकसान करे तो इस अपराध में वह मनुष्य दस रुपये तक जुर्माने के लायक होगा और इस ऐक्ट की १७ और १० दफ़े के अनुसार जितना रुपया साहिब मेजिस्ट्रेट अपनी प्रसन्नता से निश्चय करे उस टोटे के बदले फ़रयादी को दिया जायगा ॥

१९ इस ऐक्ट की किसी इबारत से उस मनुष्य को जिसकी खड़ी खेती या पैदावारी ज़मीन पशु के घुसजाने से बग़वाद हो जावे इस बात की मनाई न होगी कि वह हाकिम अधिकारी के सामने नालिश टोटे की करे परंतु शर्त यह है कि अगर कुछ द्रव्य साहिब मेजिस्ट्रेट के बिचार से टोटे के बदले दिलाया गया हो वह रुपया उस रकम खिसारे जिसका वह मनुष्य ढावा करे या जो हाकिम की आज्ञा से उसके वास्ते तजवीज़ हो मुजरा लिया जायगा ॥

२० जब श्रीयुक्त महाराजाधिराज गवर्नर जनरल अपनी सभा से मंज़ूर करें तब लोकल गवर्नमेंट को इस्तिफ़ार होगा कि जिस ज़िले वा देश में इस ऐक्ट की शरायत का प्रचलित करना उनके ध्यान में उचित हो उसी ज़िले या देश में इस ऐक्ट को प्रचलित करेंगे ॥

२१ इस ऐक्ट के अर्थ में जो शब्द एक वचन हैं वे शब्द बहुवचन समझे जायंगे और जो बहुवचन हैं सो एकवचन और शब्द पुल्लिङ्गवाची स्त्रिलिङ्गवाची और शब्द मेजिस्ट्रेट में जाइंट मेजिस्ट्रेट और हर एक अहलकार जो मेजिस्ट्रेटी का अधिकार रखता है शामिल होंगे और उत्तर पश्चिमी देशों में शब्द दरोगा पुलिस और अफ़सर पुलिस तहसीलदार और नाइब तहसीलदार जाने जायंगे जिनको अधिकार पुलिस का हासिल हो ॥

२२ यह ऐक्ट सन् १८१७ ई० के मई महीने की १ तारीख़ से प्रचलित समझा जायगा ॥

CIRCULAR No. 23.—*From J. D. SANDFORD, Esquire, Officiating Assistant Secretary to Government, North Western Provinces, to the Sessions Judge of —Judicial Department.—Dated Allahabad, the 11th June 1859.*

I AM directed by the Honorable the Lieutenant Governor to forward, for your information and guidance, copy of a letter, No. 2526, from the Secretary to the Government of India, Foreign Department, addressed to the Secretary to the Government of the Punjab, prohibiting the admission of Missionaries into Jails, and to intimate, that the requisite instructions on this subject will be addressed to all Officers in charge of Jails, by the Inspector General of Prisons, to whom copies of the Government letter, above quoted, have this day been transmitted.

No. 2527.

EXTRACT from the Proceedings of the Government of India, in the Foreign Department, under date the 10th May 1859.

No. 2526.—*From C. BEADON, Esquire, Secretary to the Government of India, to R. H. DAVIES, Esquire, Secretary to the Government of Punjab, &c.—Dated Fort William, the 10th May 1859.*

I AM directed by the Governor General in Council to acknowledge the receipt of your letter No. 174, dated the 28th February last, submitting for an expression of the views of the Government of India, a correspondence relative to the admission of Missionaries to Jails.

2.—It appears that in August 1858, Mr. E. H. Stevenson, on behalf of the American Missionaries at Skalkote, enquired of the Deputy Commissioner there (Mr. Prinsep) “whether there was any objection to their visiting the Government Jails for “the purpose of talking with the prisoners and extending among them the knowledge “of Christianity.” Mr. Stevenson stated his belief, that in the Central Jail at Lahore, the Gospel had in some instances been conveyed to the prisoners by oral teaching, and by the aid of Christian books and tracts, and that the Bible had recently been placed within the reach of the prisoners at Goojeranwalla. He asked, therefore, whether the Missionaries might have “access at fixed hours to the Skalkote Jail,” and expressed their readiness, if permitted, “to embrace so good an opportunity of proclaiming the “Gospel among men who, from their circumstances, might be disposed to listen and “profit by it.”

3.—Mr Stevenson also asked, whether the Missionaries could have permission either to raise a chabootra “(or masonry platform) near the Cutcherry, for the purpose of “preaching to the hundreds of idle men who are daily congregated there,” or “to “preach within the Government enclosure without a platform.”

4.—On the 8th November, Mr. Prinsep forwarded Mr. Stevenson's letter to the Commissioner (Mr. Cust) for orders, stating that he saw no objection in either case to give the permission asked for; but the Commissioner, on the 16th November, promptly refused permission, observing, that the practice of admitting Missionaries to preach to the convicts had been interdicted in the Lahore Central Jail, and in other parts of the Lahore Division.

5.—On the 20th January, however, Mr. Cust submitted the correspondence for the perusal of the Judicial Commissioner, observing, that when employed as a District Officer in the North Western Provinces, he (Mr. Cust) had been in the habit of admitting Missionaries to his Jail, but that after late events, he now thought the practice one which could no longer be permitted.

6.—On the 26th January, the Judicial Commissioner (Mr. Thornton) submitted the papers to the Lieutenant Governor, observing that, though he condemned the compulsory attendance of a Mahomedan, or Hindoo convict at the preaching of a Christian Clergyman, yet he questioned the justice of entirely excluding Missionaries from the Jail, and so preventing the convict from receiving religious advantages which he might be willing to accept. Mr. Thornton recommended that Missionaries should be allowed to visit the Jails and to preach to such, and such only of the convicts as might wish to hear them.

7.—The subject was then referred by the late Lieutenant Governor to the Financial Commissioner (Mr. McLeod) who, on the 21st February, reported, that so far as other gentlemen are allowed to enter the Jails and converse with the prisoners, Missionaries might be allowed to do so, but that, under the existing orders of Government, no special opportunities could be afforded to Missionaries, as this would commit the Officers of Government, in their official character, to a recognition and facilitation of Missionary efforts. Mr. McLeod, however, expressed his opinion, that in declining to afford a Missionary the opportunity of communicating religious instruction to a convict, especially a life-convict, the Government is responsible for withholding the Gospel from him, and took the opportunity of preceding to discuss the question, whether neutrality in religious matter is a position which a Christian Government can maintain in India or not; and to declare his opinion, that while carefully abstaining from every thing like force, constraint, or inducement by way of reward, with a view to proselytism, the Government should avow and evince a preference for the Christian religion.

8.—In your letter under reply, the late Lieutenant Governor has expressed his opinion, that the exclusion of Missionaries from Jails would not be an act of neutrality, but rather the creation of a disability that Missionaries should be allowed to visit Jails like other persons; that prisoners should not be "exempted" any more than free natives, from the liability to hear the Gospel preached; and that the fear which the Natives entertain is not of Missionary persuasion, but of forcible or fraudulent conversion. His Honor therefore proposes, that Missionaries should be allowed, as they have been occasionally allowed heretofore, free entry to the Jails at certain hours, and the free exercise of their proper functions, subject to any precautionary rules it may be advisable to make.

9.—The Lieutenant Governor would not allow the Missionaries to erect a platform for preaching near the Cutcherry, thinking it sufficient that they are at liberty there or elsewhere to preach to the people.

10.—The Governor General in Council cannot concur in the view taken of this question by Sir J. Lawrence, and by the Judicial and Financial Commissioners of the Punjab.

11.—The chief arguments by which the admission of Missionaries to preach in Jails is supported seem to be, *first*, that as all gentlemen are allowed to visit Jails, Missionaries ought not to be shut out. On this, His Excellency in Council observes, that there is no right on the part of any stranger to visit a Jail; and that, although in practice all gentlemen are let in, this is done, not in order that they may there exercise their calling, whatever that may be, but that they may see for themselves how the Jail is conducted. The Jail too benefits by such public inspection. To the entrance of a Missionary upon this footing, there is no objection, and if it be allowed to him, no injustice will be done to him, as compared with others.

12.—It is next contended, that as all Natives when free, are liable to hear the Gospel preached, it is not fair to exclude them from this advantage because they are in Jail. On this, I am desired to remark, that if a man is free, he hears the preacher only when it pleases him; and that if, being in Jail, he should desire to do so, it would be quite right to admit a preacher to him individually. In the case of a Christian prisoner this would be done, as a matter of course, under such rules as prison discipline may prescribe, and should the case occur of a prisoner who is not a Christian, desiring to hold intercourse with a Christian teacher, his wish should not be refused. But this is a very different thing from giving to Missionaries free access to Jails, and allowing them to preach to whomsoever they choose.

13.—In the opinion of the Governor General in Council, it is idle to talk of prisoners as free agents, even in the matter of listening, and even though (as is conceded in your letter under reply) they are not to be collected together by Guards to hear the preaching, or to have assent to the preacher's doctrine forced upon them; an earnest Missionary, whose zeal would deserve nothing but praise and admiration, if exercised upon men as free as himself, could not be trusted so to measure his actions as to abstain from forcing himself upon those who might desire to escape from him, but who would

be unable to do so; and to watch his proceedings through any officer of competent authority, would be impossible.

14.—His Excellency in Council cannot easily imagine a step more likely to be understood by natives as belying our professions of neutrality in matters of religion, than the sanctioning of the practice which is here recommended. It would be impossible to deny, that in adopting that practice we were turning the machinery of justice and Civil Government to religious purposes. It is now firmly believed that we have made men soldiers, and have ordered them to take cartridges in order to convert them. It will not do to give a handle to the supposition that we sentence them to imprisonment in our Jails for the same purpose, under the pretence of administering justice.

15.—I am therefore directed to state, for the information of the Lieutenant Governor, and for general guidance, that the admission of a Missionary to a Jail for the purpose of preaching is not to be permitted, unless when a prisoner makes a request for the presence of one. I am to add, that the practice advocated in these papers, is not in accordance with the principle of neutrality in matters of religion, which the Government will observe in all its measures, and which it will require its servants to observe in all their official acts.

16.—The Governor General in Council entirely approves of the late Lieutenant Governor's intention to prohibit the Missionaries from erecting a platform for preaching in the Cutcherry premises.

17.—In conclusion, I am desired to annex in the margin, copy of a Despatch on this

JUDICIAL DEPARTMENT.

No. 6 OF 1845.

Our Governor in Council at Fort St. George.

Whole Judicial Letter, 2nd December (No. 20) 1844.

We approve of the instructions issued by you on the occasion here referred to, that it is im-

Question as to the admission of Missionaries into jails on a Sunday, for the instruction of convicts.

proper to introduce Missionaries into the Jails, unless when Christian prisoners may be desirous of being visited by them, and we concur in the opinion of your President, that it is not desirable that questions of this nature should, without necessity, be brought into discussion on the public records.

We are, &c.

(Signed) J. SHEPHERD,
AND OTHER DIRECTORS.

LONDON:
The 2nd April 1845.

subject, addressed by the Hon'ble Court of Directors to the Government of Madras, No. 6, dated the 2nd April 1845, and to remark, that the question relating to the policy of Government in matters connected with religion, has been very unnecessarily raised in connection with the subject in hand, and that it is singularly unbecoming in officers in the position of

some of the writers who have taken part in the correspondence, to advocate and maintain views on this most important and delicate subject, so directly opposed to the strong and lately reiterated commands of Her Majesty's Government. The Governor General in Council desires, that the practice originating remarks, and raising and prolonging discussions on subjects of general policy, a practice which has been of late indulged in by subordinate executive officers in some parts of India, and which has been too easily tolerated by the local administration, may be entirely discouraged and repressed.

ORDERED, that a copy of the above letter be sent to the Home Department, for information and communication to the local Governments.

(Signed) R. SIMSON,

Under-Secretary to the Government of India.

No. 992,

Copy forwarded to the Governments of Bengal, Fort St. George, North Western Provinces, Bombay, and the Straits' Settlements, for information and guidance.

By order,

(Signed) R. B. CHAPMAN,

Under-Secretary to the Government of India.

CIRCULAR No. 25.—*From G. COUPER, Esquire, Secretary to Government, North Western Provinces, to the Commissioner of* .—*Judicial Department, (Criminal).*—*Dated Allahabad, the 5th July 1859.*

IN supersession of Circular Orders, No. 1407, dated 8th August 1854, issued with reference to Clause 10, Section 26, Regulation XX. of 1817, directing that all applications received from Magistrates for the sale of moveable property of criminals who have evaded process, be submitted in one quarterly return for the sanction of Government, I am directed to intimate, that the Lieutenant Governor is pleased to authorize you for the future to sanction all sales of such property on inventory received from the Magistrate, and after the expiry of the full term of six calendar months from the date of the proclamation. This sanction will not of course extend to sales for resistance of process.

2.—His Honor considers that it will be sufficient, if a return in the form annexed, shewing the number of cases and the net proceeds of such sales credited to Government, is submitted quarterly for his information.

District.	Thannah.	Name of Offender.	Net proceeds of Sale credited.	REMARKS.

CIRCULAR No. 30.—*From G. COUPER, Esquire, Secretary to Government, North Western Provinces, to Commissioner of* .—*Division.*—*Judicial Department.*—*Dated Allahabad, the 27th July 1859.*

I AM directed by the Hon'ble the Lieutenant Governor to forward for distribution to the Magistrates in your Division, the accompanying copy of a Report, dated 28th March 1857, on Cattle-stealing, the work of Mr. Strachey, Magistrate of Moradabad, and to request you to inform those Officers, that they are expected to give their particular and earnest attention to the evil of which the report treats, and to use their existing establishment as best they may for its suppression, pending the introduction, at no distant period, it is hoped, of the comprehensive measure which Mr. Strachey has recommended.

From J. STRACHEY, Esquire, late Magistrate and Collector of Moradabad, to R. ALEXANDER, Esquire, Commissioner of Rohilkund.—*Noples.*—*Dated the 28th March 1857.*

THE Orders of Government, No. 1677 A., dated 6th August 1855, authorized me to entertain a small special establishment for the purpose of carrying out experimental measures for the repression of the crime of cattle-stealing in the district of Moradabad. I have now to report to you regarding the plans that have been adopted, and the results that have been attained.

2.—In Moradabad and the neighbouring districts, which border upon the Ganges and the Jumna, cattle-stealing has been, from time immemorial, one of the most

prevalent offences. It constitutes the normal occupation of a large community, and this fact, added to the physical difficulties of the country in which the offenders live, has rendered all attempts to repress the crime more or less unsuccessful. My own experience has been entirely confined to Moradabad, but I believe that the account, which I am about to give, will be found pretty generally applicable to the neighbouring similar districts of Rohilcund and the Doab. Similar circumstances have produced similar results.

3.—There are two tracts of country which, in Moradabad, are the head quarters of the cattle-lifters, the Khadir of the Ganges, and the pasture lands which skirt the Forest and Terai, eight or ten miles below the first ranges of the Himalaya.

4.—Of these tracts the Khadir of the Ganges, in the pergunnah of Hussainpoor, is the most important. On the left bank of the river this strip of low land has here an average breadth of four or five miles. The course of the main Ganges frequently changes, and branches issuing from the principal river intersect the Khadir, and cover it with a net-work of streams. I believe that, on the other side of the river, the character of the country is very similar.

5.—Through a large portion of this tract, the operations of agriculture must always be precarious. During the rainy season the floods are usually so heavy, and the soil is so saturated with water, that cultivation becomes to a great extent impracticable or unprofitable. The Rubbee is the only harvest of importance.

6.—Broad tracts of land, covered with grass and low jungle, stretch along the streams. These afford good pasturage at seasons, when elsewhere all vegetation is burned up. It will be understood that in a country so circumstanced, the breeding and pasturing of cattle is often a more profitable occupation than the cultivation of the soil. All classes of the inhabitants possess numerous herds of cattle, and during the dry season, the people of other parts of the district regularly send their cattle in large numbers to the Khadir, for the sake of the pasture to be found there.

7.—The largest section of the population of the Khadir is Goojur. The Mewatees are also numerous, and Jâts and Khagees come next in importance. Of all these, and especially of the Goojurs, cattle-lifting is the normal and the most profitable occupation.

8.—Probably at least seventy-five out of every hundred able-bodied Goojurs in this part of the country are thieves. This is true not only of the poorer and least influential members of the class. The zemindars, who possess the largest share of wealth, and whose position gives them the greatest influence, are almost all receivers of stolen cattle, and the inciters of the thefts that are committed. It seldom happens that any legal evidence can be obtained against them, but it is matter of public notoriety, about which no sort of doubt exists, that the fact is as I have stated it. There is nothing uncharitable in the assumption in any case, in the absence of direct evidence to the contrary, that every Goojur is a thief.

9.—Every thing combines to foster in this tract the offence of cattle-stealing. The people are thieves, who have hardly any consciousness of criminality, when they follow their hereditary occupation, and the physical character of the country in which they live is such, that the repression of these predatory habits becomes a task of extreme difficulty. It is no easy matter, either for private prosecutors or Police, to follow up the tracks of stolen cattle through these wild regions. To move through them is difficult at all times, and to do so becomes often almost impossible. Rivers and swamps have to be crossed, tracts of jungle to be traversed, and a most unhealthy climate to be encountered, while the whole population is united in a common fellowship of crime, both by habit and by interest. And even if it be known to what part of the country the stolen cattle have been conveyed, it is most difficult to recognize them among the great herds that graze over almost every portion of the Khadir.

10.—A considerable portion of the thefts of cattle that are committed take place in the Khadir itself. The herds that are sent from other parts of the district offer

an easy prey. The Goojurs respect property belonging to people of their own class who live in the Khadir, and the maxim of "honor among thieves" is here almost always applicable. But their depredations are by no means confined to the parts of the country near their own homes. Hardly any portion of Moradabad or of the neighbouring districts is safe from the Goojurs of the Ganges Khadir.

11.—There is no doubt that a large proportion of the cattle thefts throughout the district, are either directly committed or are suggested, and incited by them. A regular system of correspondence seems to exist between the Goojurs of different parts of the country. The cattle-lifters seldom keep the cattle that they have stolen any where near their own homes, or near the places where the theft was committed; they send them off to their friends in another Thanna or across the river into another district, receiving other cattle in exchange. It is said that the Goojurs of the Khadir of the Ganges are in frequent communication with those on the banks of the Jumna, and there is no doubt, that people who live at distances of many days' journey from each other, often carry on in this way extensive dealings.

12.—These operations are managed so systematically, and so expeditiously, and there is so little concert between the police of different jurisdictions, that detection is extremely difficult, and in the great majority of cases, the offenders run little risk of apprehension.

13.—In the actual commission of the thefts, Mewatees and others are very frequently concerned, but the receivers of stolen cattle in the Khadir are almost always Goojurs. Every body who wishes to dispose of cattle that have come into his possession by any unfair means, knows that he can always find an immediate and a safe market in the Ganges Khadir.

14.—Many of the cattle stolen by Mewatees and others, are made over at once to the butchers of the towns, but the greater number are sent off to the Khadir as soon as they are stolen. Goojur thieves will of course never sell cattle to butchers. Thus the greater part of the cattle may be supposed to be alive for a considerable time after they are stolen, and under a proper system, this fact would much facilitate the work of repressing the crime.

15.—There seems to be nothing peculiar in the manner in which the actual thefts are committed. The peculiarity of these cases arises from the facts that I have stated, that the whole population of the Khadir consists either of cattle-lifters or of receivers of stolen cattle, and that people in all parts of the country know that the Goojurs are always ready either to purchase stolen cattle themselves, or to negotiate their transfer to other parties.

16.—The Forest and Terai is next in importance to the Khadir of the Ganges, as a locality for cattle-stealing. The extensive tracts of pasture land attracts large herds of cattle, both from the hills and from the plains. The Puharees are the chief sufferers, but it is not easy to learn the actual amount of their losses.

17.—They seldom prosecute in the courts of the plains, and they often give no information even to the hill Authorities. There are a good many Goojurs in the villages near the edge of the Forest, and a large proportion of the cattle stolen in this part of the district probably pass through their hands. They send on the cattle, in the way I have already described, to their Goojur friends in the Khadir, receiving in return either money or cattle stolen in some distant part of the country.

18.—Besides the Khadir and Forest, there is another part of the district, where a good deal of cattle-stealing goes on. A belt of low dhak jungle, with little cultivated land, stretches almost across the district, from Chujlat towards Chundolee, through the Thannah divisions of Amroha, Asmo'ee, and Sumbhul. This belt is generally three or four miles broad, and although the extent of pasture land is not sufficiently great to induce people to send their cattle from any great distance, the neighbouring villages often possess large herds, which find here good grazing ground. A large proportion of the thefts committed in this part of the country are attributable to the Mewatees, and

many of the cattle stolen are made over to the butchers of the towns, and immediately slaughtered.

19.—The rainy season is the time when the greatest number of thefts are committed. The Goojurs and the other cattle-lifters of the Khadir have then little occupation in their fields, and have plenty of time to devote to the more profitable business of plundering their neighbours. At this season too, it is much more difficult to follow up the traces of the stolen cattle, and it becomes almost impossible, except to people who live permanently in the Khadir, to move about quickly among the rivers, and swamps, and thick jungle.

20.—The Statement No. 1,* attached to this letter, shows the number of cases of cattle-stealing that have occurred during the last five years in the Moradabad district, with such other particulars connected with the subject as I have been able to collect. The Statement No. 2,* gives similar particulars for the neighbouring districts. The figures contained in these tables will shew the magnitude of the evil, and how powerless to arrest it, have been the operations of our Courts.

21.—In the statement for Moradabad, the results reported for the year 1853, have been inserted for the sake of uniformity, but they are not to be depended on. These figures would seem to shew, that in 1853 there was a vast increase of crimes, this was not really the case, and it is notorious that before Mr. Roberts turned his attention to the matter, the greater number of cattle-thefts were not reported by the Police at all, or were reported as cases of straying. It is not necessary that more should be now said on this point, but it is right that I should notice it, lest conclusions should be drawn unfavorable to the administration of my predecessor, an admirable Officer, who needs no praise from me.

22.—I must now give some account of what has been done towards checking this crime in Moradabad. In 1855 I reported to you, that the number of thefts was still increasing. The following extract from my letter, No. 38, dated 12th May 1855, gives a summary of the facts of the case as they were exhibited by the Annual Statements for 1854. [This Extract is lost, as well as the original letter from which it was made.] In consequence of this report, I was authorized by the Government to entertain a special establishment for six months, at the rate of Rs. 97 per mensem, for the purpose of endeavoring to check the crime. Imam-ood-deen, Kotwal of Moradabad, was to superintend the operations, and he was invested with the powers of Thannadar throughout the district. These orders were passed by the Government on the 6th of August 1855, but it was not until near the end of the year that much was attempted, for Imam-ood-deen could not be spared from his duties as Kotwal, in consequence of the possibility of disturbances occurring during the Mohurrum.

23.—Although, as I shall shew presently, a very considerable share of success has been attained, the experiment was carried on under most unfavorable circumstances. Mr. Bensley Thornhill's removal from the district in February 1856, made it impossible for me to remain myself in the pergunnah of Hussunpoor, to superintend operations, as I had hoped to do, while, at the same time, I lost a most efficient and zealous coadjutor in the work, who had made himself well acquainted with the whole subject. Two months later, I was myself compelled by sickness to go to the Hills, and consequently I have neither been able to carry out my own schemes, nor have I had the opportunities which I had hoped for, of making myself still better acquainted with the system under which the operations of the cattle-lifters are carried on.

24.—The practical results that have been actually gained, are mainly due to Mr. Johnston and Mr. Cockerell, who, after I left Moradabad, exerted themselves to the utmost for the repression of this crime.

25.—The mere fact of the appointment of Imam-ood-deen, who was known to be the best detective Police Officer in the district, with a special establishment, had

* These Statements are lost.

doubtless a great effect in frightening the Goojurs, and in making them more cautious in their operations.

26.—I took advantage of the remodelling of the Police establishment of the district to establish a number of outposts in the Khadir, in all the places where the cattle-lifters were the most notoriously numerous and bold. These outposts were made over to first class jemadars, who, as well as the burkundazes subordinate to them, were chosen from the most efficient men at my disposal. There are now eight* Police Stations in the Khadir, of which four have been newly established. This has been a very useful measure. There are now posts commanding all the principal ghats across the Ganges, at distances from each other not exceeding three or four miles, and if the Police do their duty, it is easy for them to learn all that is going on.

27.—I also made many changes in the Thanna establishments of the pergunnah of Hussainpoor, and chose men for the principal posts, who I thought were likely to exert themselves for the repression of cattle-stealing. The main credit, however, of all that has been done, is due to Imam-ood-deen. He has exerted himself to the utmost, and has continued fully to merit the high opinion which I and all his superiors have long held of him.

28.—Imam-ood-deen was relieved of his ordinary duties as Kotwal of Moradabad, in October 1855, the current business in the city being conducted by the Naib-Kotwal. A Mohurri and Duffadar were appointed to assist Imam-ood-deen in his enquiries, and burkundazes chosen by himself were given him from the regular Police force. If, on the first report of a case of cattle-stealing, the ordinary Police succeeded in apprehending the offenders, Imam-ood-deen did not ordinarily interfere; but all cases were made over to him in which the original Police investigation had failed, or in which for any reason it seemed likely to fail. All the Thannadars understood, that in all that concerned the offence of cattle-stealing, they were to look upon Imam-ood-deen as their superior Officer, and that all their proceedings were to be regulated and superintended by him. Unity of management was the first essential of success.

29.—The influence is very great which the more important Goojurs of the Khadir exercise over the community of cattle-lifters. It is notorious that they can always, to a great extent, stop these thefts if they chose, and that they can, in almost every case of cattle-stealing, ascertain who are the real offenders, and what has become of the cattle. In a great number of cases they derive a direct profit in the shape of a share of the stolen property; but as they are always careful to keep themselves in the back ground, as they take no part in the actual thefts, and keep none of the stolen cattle in their own possession, to obtain legal evidence against them is, under our existing system, next to impossible. It was clear that any success was out of the question, unless these people would exert their influence to assist us. In dealing with a class of hereditary thieves, who look upon plunder as a perfectly legitimate and a most profitable occupation, fear is the sole influence which can be brought to bear with any immediate useful effect.

30.—The laws regarding dishonest livelihood can with difficulty be applied to these Goojurs. They are not vagrants, or people with no other means of subsistence, but often holders of considerable estates. The zemindar is just as bad as the common cultivator. Although a Magistrate has now no sufficient legal means of dealing with such cases, and although he cannot hope to dispose of them in a manner which shall give complete security for the future, he can still, as the Chief Executive Officer of the district, do a great deal, without any infringement of the law, to make their position a very uncomfortable one. The danger of injustice to individuals by the exercise of a

* 1.—Aliunggur.

* 2.—Biha.

* 3.—Jeera.

* 4.—Futtehpoor.

5.—Sherpoor.

6.—Tigree.

7.—Rehra.

8.—Sissa.

The new Stations are marked thus.*

somewhat arbitrary authority is, in such cases as this, very small, if the Magistrate be fit for his work. If he is unable with all the great means at his disposal, to ascertain the true character of the land-holders and the Police of his district, through whom he has to act, it is entirely his own fault. Believing this, feeling no fear that I should be guilty of injustice, although I might fail to obtain in every case all the evidence which the technicality of our law requires; professing, moreover, not the slightest sympathy with men, of whose criminality I was certain, I had no scruples in my dealings with these Goojurs. Every man who was a notorious receiver of stolen cattle was summoned by me; if it was possible, he was imprisoned or called on to give heavy security, and if no legal evidence could be obtained against him, I did my best to impress upon him, and prove to him that he would lead a very uncomfortable life, as long as he continued to exercise his predatory propensities. Consequently, much was done which cannot be illustrated by tabular statements.

31.—Several offenders, against whom complete proof existed, and whose conviction would have been certain, were released on condition that they would turn approvers, and thus much useful information was gained. Imam-ood-deen was in communication with many persons, who were well acquainted with all the proceedings of the cattle-lifters, and who were in reality thieves themselves.

32.—I now proceed to describe the actual results that have been arrived at. In my Police Report for 1855, I gave my reasons for believing, that although in that year there was an apparent increase in cattle-stealing, the crime had in reality diminished. Greater care was taken that all cases should be reported, and fewer cases of theft were shewn as cases of straying. The numerical results for 1855, as compared with previous years, will be seen in Statement No. I.

33.—As Imam-ood-deen only began his operations at the end of 1855, the results were hardly to be seen in that year.

34.—The following figures will shew the improvement that took place in 1856, and the whole of this is fairly to be attributed to the new measures.

YEAR.	No. of cases of Cattle-stealing.	Head of Cattle stolen.	Head of Cattle recovered.	Estimated value of Cattle stolen.	Estimated value of Cattle recovered.
				Rs.	Rs.
1855,	499	898	326	10,915	2,065
1856,	296	522	209	5,623	2,365

35. The following table shews the returns of cases of straying for the two years, and this, too, is satisfactory:—

YEAR.	Head of Cattle reported to have strayed.	Head of strayed cattle recovered.	Estimated value of strayed cattle.	Estimated value of cattle recovered.
			Rs.	Rs.
1855,	2,694	1,209	20,093	9,380
1856,	2,732	1,617	20,819	12,086

36.—The number of apprehensions, convictions, and acquittals, remained nearly the same as in the previous year, but as the number of cases was so much smaller, this is really a very satisfactory result.

YEAR.	Apprehended.	Convicted.	Acquitted.	
1855,	331	106	171	
1856,	309	106	167	

37.—The total (No. 3) annexed* to this letter, shews the caste of all the persons convicted of cattle-stealing in the Moradabad district during the last five years. It will be observed that the number of Goojurs convicted, has always been small, and these figures may at first sight seem hardly consistent with much that I have stated in this report. But in reality they only show how powerless our Courts have been. Few Goojurs are caught, for the whole community is so united, and the Goojur zemindars possess so much influence in the Khadir, that the ordinary Police can do little against them. The Thannadar often fears, that if he offends them beyond a certain point, they will punish him by causing, as they can easily do, an unusual number of thefts within the limits of his jurisdiction, and both Police and private prosecutors are not unfrequently deterred by the fear of actual violence from following the track of stolen cattle among the herds of the Goojurs.

38.—To distinguish between cases of theft and of straying, is necessarily so difficult, that the distinction must, to a great extent, be an arbitrary one, whatever care be taken. A considerable number of strayed cattle are every year brought in to the different Thannas. We may fairly assume, that most of these are included in the cases reported by the Police, under the head of "strayed," and we shall arrive at a better approximation to the actual number of cattle that are annually stolen, or unfairly made away with, if we take this element into calculation. In 1855 the number of strayed cattle being 2,694, and the number recovered being 1,209, we may add to the latter number, the cattle brought into the Thannas. These were 411 head; there thus remained unaccounted for, of the cattle reported to have strayed in 1855, 1,074 head, and there can be no doubt that a large proportion of these were really stolen. The number of lawaris cattle brought to the Thannas in 1856 was 501; if we add this to 1,617, the number of strayed cattle, reported to have been recovered, there remain only 611 head unaccounted for, a great improvement on the previous year.

39.—That this great diminution in the number of thefts is a real one, I can affirm with confidence. There is always danger on such occasions as this, that the Police will neglect to report all the cases that occur, and no one can know better than I do what false ideas are sometimes conveyed by the figures which profess to shew the state of Indian districts. In the present instance so many precautions were taken, that I feel sure that no such suppression of the truth has taken place. I believe that cases of cattle-stealing were never so well reported by the Police before, and that the actual diminution of crime has been greater than the figures shew. The results arrived at, will, I hope, be considered satisfactory. These operations were, as I have before mentioned, carried out under many disadvantages, and a much larger measure of success would have been possible under more favorable circumstances.

* This letter is lost.

40.—But it is necessary to notice that, in one important respect, these results may not be in reality all that at first sight they seem to be. There has been a great decrease of cattle-stealing in Moradabad, but all that has happened may have been, that the cattle-lifters have carried on their depredations elsewhere. I have already described how the Goojurs of the Ganges Khadir are constantly concerned in thefts, that are committed at a great distance from their homes. It is as easy for them to steal cattle in Meerut, as in Moradabad, and I fear that when they felt an unusual pressure in the latter district, they, to a great extent, transferred the scene of their operations to the other side of the Ganges. I regret that I cannot now investigate this point further, for the statements which were furnished to me from other districts were not sufficiently complete when I left India, to enable me to come to any positive conclusions on the subject.*

41.—However this may be, the results that have been gained in Moradabad will not be the less valuable. It has been at least shewn, that it is not difficult with very small means to produce a considerable effect on the proceedings of the cattle-lifters, and what has been done in this district, may be done as easily in others.

42.—But it is I think clear, that no complete and permanent suppression of this crime can be expected to result from any efforts of individual Magistrates. The Police of the different Districts have not yet learned to act in concert. Nothing but a vigorous concentration of authority can break up a system like that of the Gojur cattle-lifters, which extends its ramifications through so many districts, and over so great an extent of country. I think that an European Officer ought to be appointed, with a Special Detective establishment, with jurisdiction in all the districts of the North Western Provinces, where the offence of cattle-stealing is prevalent. I am not inclined to think that any new legislation would be at present necessary, although it would probably be ultimately found to be desirable. An active and energetic Officer, invested with the powers of Magistrate, would, I believe, be able, in spite of the evident imperfections of the existing law to put a stop to systematic cattle-lifting in no great space of time and at no considerable cost. This is the sole measure which, in my opinion, can afford a complete remedy for the evil. After more experience had been gained, it would be seen whether any alteration in the law was really essential. Authority and responsibility must be concentrated in the hands of one man. The greater this authority and responsibility can be made, the better will be the chances of success. If such unity of management as that which I have advised, be at present impracticable, it may still be possible to carry out the same principle in a modified form. If a single Superintendent for the North Western Provinces cannot be appointed, something will be gained if in each district measures be carried out under the superintendence of one Officer. The most efficient Native Police Officer in each district where this offence prevails, should superintend the investigation of cases, and follow up offenders, as Imam-ood-deen has done in Moradabad.

43.—A number of Thannadars, acting with no proper concert, and probably often jealous of each other's reputation, will never suppress crimes carried on so systematically and extensively as this of cattle-stealing. The criminals and the cattle must be traced from thanna to thanna, and from district to district, and if this is to be done efficiently, there must be no division of authority.

44.—Much has often been said of the so-called *khoj*-system, which is in force, in the Trans-Jumna and other districts, under which each village is held, to a certain extent, reponsible for the theft, unless it can carry on the track of the stolen cattle. I have myself never seen any thing of this system. The trackers of cattle, who are said to exhibit such extraordinary sagacity in some districts of the North Western Provinces

* The Statements which will be appended to this letter, will be prepared in a more complete form, by Mr. Saunders, but I shall not myself be able to refer to them. All these are lost.

and of the Punjab, are not found in this part of the country. It seems to me to be quite useless to discuss the propriety of introducing *de novo* any such system into a country where it does not already exist. Such expedients as this are evidently nothing better than barbarous and very imperfect substitutes for an efficient system of Police, and although they may be tolerated for a time as the means of checking crime, when no better means exist, it is clear that nothing else can be said in their favor. The following extract from Mr. Greathed's Police Report for 1855, so entirely expresses my own opinion on this subject, that I cannot do better than quote it here.

"The crime can never be more than slightly repressed by procuring the restoration of the stolen cattle, through the medium of the Zemindars, to whose villages the tracks are supposed to have been carried. To attack it effectually, the criminals must be reached, and made to feel that cattle-stealing is not a safe trade. This remains to be effected; tracking as a means to the discovery of the cattle, and thieves should be encouraged * * *. But if the tracking leads to no actual discovery, something else should be tried, the facts of the tracking remaining on record for future notice. It is highly injudicious that the enquiry should be diverted from the pursuit of the criminals to the recriminations of the Zemindars, through whose villages the tracks passed. Merely to fine the Zemindars with whom the tracks were left, would be an unsatisfactory termination to a case, and it would be illegal on the mere evidence of tracks to charge them as receivers or accessaries."

45.—The sum sanctioned by Government for these operations was Rs. 95 per mensem, for six months. The whole amount was thus Rs. 570. I did not consider it necessary to adhere to all the details of my original proposition in determining what expenditure should be incurred. I thought it sufficient not to exceed the total amount which the Government had sanctioned.

The following is a summary of the actual expenditure:—

Paid to Informers, in small presents, diet, &c.,	Rs.	62	2	4
"to Inam-ood-deen, horse allowance, from 1st October 1855,				
to 31st October 1856, at Rs. 20,		260	0	0
"to Nail Kotwal, extra allowance for same period, at Rs. 10, ...		130	0	0
Mohurrir, for 6½ months, at Rs. 15,		97	8	0
"to Cheda Singh, Duffadar, extra allowance for 6½ months, at Rs. 2, 13 0 0		500	8	0

Total, Rs.

The total expenditure has thus fallen short of the amount sanctioned by Government; by Rs. 7-5-8.

46.—In conclusion, I wish to repeat my high sense of the services which in this as in all other matters entrusted to him, have been rendered by Inam-ood-deen, Kotwal of Moradabad. Any success that has been gained is entirely due to his exertions.

47.—I must not omit to mention, that while engaged in these operations, Inam-ood-deen, was also several times employed with much success in the investigation of other cases of theft, in which property to a large amount had been stolen. He has indeed to some extent acted as a sort of Superintendent of Police. For such an Office, the establishment of which in each district I have long advocated, Inam-ood-deen would be in all respects well fitted. *

48.—I regret that I was unable to complete this report before I left India. It has been written under circumstances which will, I hope, serve as my apology for many manifest imperfections.

* NOTE, 1859.—Inam-ood-deen has well maintained his high character since this report was written. His loyalty has been conspicuous, and the services that he has rendered, have been valuable.

CIRCULAR No. 31.—*From G. COUPER, Esquire, Secretary to Government, North Western Provinces, to the Commissioner of* —*Judicial Department.—Dated Allahabad, the 30th July 1859.*

*CLAUSE 6, Section 20, of Regulation XX. of 1817, provides that, whenever a person of bad character may be released from Jail, and the Magistrate may be of opinion, with reference to his character, that his future conduct should be watched; such individual shall be sent to the village to which he may belong, and released in the presence of its head-men.

2nd.—It appears, that the above provisions has been defeated by the practice of releasing *all* prisoners confined in the Central Jails in these Provinces, at the termination of their sentence, at the gates of the Jail; no matter how heinous or dangerous the crime of which they may have been convicted.

3rd.—The Lieutenant Governor therefore directs, that in future, every Officer, on sending a prisoner to Jail, will state in his warrant, whether the crime or character of the prisoner is such as to render it imperative for the interests of society, that he should be made over to local surveillance, at the expiration of his sentence; and Officers will be expected to exercise a wise discretion in these recommendations.

4th.—Such prisoners will be sent, *en masse*, on the first day of the month preceding that in which their sentence would expire, to their respective Zillahs, while less heinous offenders will be released, as at present, at the termination of their sentence, at the Central Jail.

5th.—In cases where a prisoner, whom the Committing Officer may have recommended to be made over to local surveillance, shall appear to the Superintendent of the Central Jail to have become a reformed character during the period of his incarceration, that Officer shall have authority to release him at the Jail, sending at the same time, a report of the circumstance for the information of the Magistrate of the Zillah, in which the prisoner resides.

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To the proper Authorities. Relative to Controlling Officers recording their opinion on the official character of their Subordinates up to the period of their vacating their post.	9th April 1859.	31
To Sudder Board, Sudder Dewanny Adawlut, Chief Engineer, Commissioners, Judges, &c. Requesting that, in future, instead of forwarding applications for pensions direct to Government, they will send them under flying seal to the Civil Auditor, who will submit a memorandum with each application for information of Government.	29th April 1859.	ib.
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ORDERS OF THE GOVERNMENT, NORTH WESTERN PROVINCES, FOR 1859.

REVENUE DEPARTMENT.

CIRCULAR No. 52 B. OF 1859.—*From R. B. CHAPMAN, Esquire, Officiating Under-Secretary to the Government of India, to W. MUIR, Esquire, Secretary to the Government of the North Western Provinces.—Foreign Department.—Dated Fort William, the 7th January 1859.*

I am directed by the Honorable the President in Council to transmit to you, for such further orders as may be necessary, the enclosed extract from para. 9 of a letter written under this date, No. 52, to the Secretary to the Board of Revenue, Lower Provinces.

Extract from a letter from the Officiating Secretary to the Government of India, to the Secretary to the Board of Revenue.—Foreign Department.—Dated the 7th January 1859.—No. 52.

The President in Council desires me to observe, that it is incumbent on every controlling officer vacating his Office during the year to record a memorandum of his opinion of the official character and deserts of his subordinates up to the period of his quitting Office, and his successor in preparing the annual report should state whether, as far as he has had an opportunity of judging, he agrees with the opinion of his predecessor or not.

No. 138 of 1859.—*From C. BEADON, Esquire, Secretary to the Government of India, to W. MUIR, Esquire, Secretary to the Government of the North Western Provinces.—Home Department.—Dated Fort William, the 18th January 1859.*

I am directed to transmit for information and guidance, the subjoined extract* from a communication addressed from the Foreign Department to the Board of Revenue, in Bengal, requiring controlling Officers to record their opinion of the official character and deserts of their subordinates.

* Para. 9 of letter No. 52, dated the 7th instant.

CIRCULAR No. 3 OF 1859.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces, to Sudder Board, Sudder Dewanny Adawlat, Chief Engineers, Commissioners, Judges, &c.—Dated Allahabad, the 29th April 1859.*

I am desired to request that, you will in future, instead of forwarding applications for pensions, submitted through your Office, direct to Government, send them under flying seal to the Civil Auditor, who will submit a Memorandum with each application for the information of Government.

CIRCULAR NO. 5.—*To All Commissioners.*—*Dated Allahabad, the 13th July 1859.*

With a Circular Order of this Government No. 299, dated 10th April, a resolution of the same date, laying down rules for the disposal of confiscated property, was circulated for the guidance of the several District Officers in these Provinces, and they were required to submit statements, according to a prescribed form, of all property, both *landed* and *personal*, that had been confiscated within their respective circles.

2*nd*.—The declared object of this requisition was to enable the Government to judge what portion of the confiscated estates should be reserved for assignment as rewards to loyal subjects, who had rendered eminent service to the State during the rebellion; and what portion should be otherwise disposed of.

3*rd*.—The District Officers, therefore, while they were warned against committing the Government to the final disposal of the proprietary rights in any estates, were told that recommendations might be freely offered, and in the 4th para. of the resolution, it was intimated that the return of villages confiscated, or likely to be confiscated, under Act XXV. of 1857, should be sent in “*with the claims* for eminent service, “which might appropriately be met from this source.”

4*th*.—But on the 4th March 1858, the Sudder Board of Revenue had called for a statement in another form, prescribed by themselves, but approved by the Government, of confiscated *landed* properties, with the intention, it is presumed, of eventually laying it before the Government with their own advice, for orders as to the disposal of the several properties in question.

5*th*.—These separate requisitions from different Authorities for the same information, in different forms, have unfortunately led to some misunderstanding and confusion. Some of the District Officers, supposing the orders of the Sudder Board of Revenue to have been superseded by the instructions of the Government, have failed to submit the statements called for by the former; while the statements submitted to the Governor direct, (so far as they have been yet received) do not enable it to come to any final conclusions as to the disposal of the confiscated estates.

6*th*.—The reasons are various:—

1. The statements sent, in pursuance of the orders of Government, do not shew the authority by which sentence of confiscation was passed, or the date of such sentence; and it is consequently uncertain in every case, whether the forfeiture has become final, or when it will become so.

2. The statements comprehend both *landed* and *personal* property, including houses, &c., of convicted Rebels. In disposing of the former, through the Sudder Board of Revenue, and of the latter [with which the Sudder Board of Revenue have no concern] through the Commissioner, in the absence of any number or other sign connecting the entries in the Government statements, with those in the statements sent to the Board, there is a risk of conflicting orders being passed as to the *landed* and the *personal* properties of the same parties.

3. In some of the statements submitted to the Government direct many estates have been entered which have been only attached, and it has been left to the Government to declare, whether they shall be confiscated or not,—an act which the Government is neither authorized by the law, nor competent of its own knowledge, to do.

4. But the great obstacle to finality of decision on these statements is, that they are unaccompanied by any specification of the claims to reward for good service, which may be appropriately met from the confiscated estates [p. 4 of Resolution, dated 10th April 1858:] and that many of them do not give any recommendation on this head. Moreover, numerous rewards, in the form of proprietary right in confiscated lands, have been adjudged by the Government since the preparation of the statements, and the consequence is that, however complete they may have been at the date of their submission, they cannot be depended upon now.

7*th*.—In making the foregoing remarks, the Lieutenant Governor has not the smallest intention of imputing the defects observable in these returns to the District

Officers. The particulars noted under the first head found no place in the form which the Government prescribed, while the inclusion of personal property could not have been avoided without leaving the form incomplete. "Attached" estates again may have been inserted in the statement as estates "likely to be confiscated;" and obviously the column of "reserved for reward" could not be filled up to any practical purpose, until all claims to reward had been finally disposed of by the Government.

8//.—But wherever the fault may lie, and however much the delay and the additional labor consequent upon it, are to be regretted, there is no escape from the undoubted fact, that, in the present condition of these statements, it is simply impossible for the Government to issue conclusive orders as to the disposal of a single confiscated estate, with any assurance that the act may not need to be revoked. The absence alone of information as to the extent of confiscated properties required to meet rewards, which have been actually adjudged, is an insuperable obstacle to the issue of such orders; for this is the only source from which such demands can be satisfied, and assignments of land must be made in satisfaction of every reward promised, before any estate can be prudently sold or otherwise disposed of.

9//.—It is not easy to find a remedy for this state of things, without imposing additional labor on the Government Officers, which His Honor is very unwilling to do; still it is indispensable, that the Government should have before it a complete and correct statement of all confiscated landed properties in such a form, as shall leave no doubt in regard to the finality of the forfeiture, together with a detailed statement of the rewards in land which have been granted by Government in each Division, and of the particular lands which it is proposed to assign to each person rewarded in satisfaction of the promise of the Government. With this information, as to the whole extent of confiscated available property on the one hand, and the whole extent that has been, so to speak, hypothecated in rewards on the other, the Government will be in a position to deal finally and satisfactorily with the question.

10//.—The necessity can be met perhaps with the least trouble in the following manner:—

The form of statement, prescribed by the Sudder Board of Revenue, has a column for No., which facilitates reference; a column to shew the authority, by which sentence of confiscation was passed; and another to exhibit the date of sentence. The statement too is of course intended, as that of the Government is, to contain *every* confiscated landed property, whether malgoezaree or maalee, in each District. Some of these statements have been already sent to the Board, and if those still due are supplied, the Government will be placed in possession—assuming always that the statements are correct and complete of full and detailed information regarding the extent of confiscated landed property at its disposal, the name, locality, and jumma, of the several estates composing it, the date of confiscation, and the authority by whom forfeiture was adjudged in each case.

11//.—There will be required, in addition, a statement of proposed assignments of land in satisfaction of rewards which have been awarded by the Government, and this statement must be unavoidably prepared *de novo*; and in such a manner as to connect the several entries with the entries in the statement furnished to the Sudder Board of Revenue.

12//.—Annexed to this letter is the form of a statement, marked A., which, if carefully and correctly prepared, will remove the difficulty which now exists of dealing finally with forfeited landed properties.

13//.—This statement will be most conveniently and appropriately prepared in your Office for all the Districts of your Division. You are in possession, in a connected form, of all the orders that have been issued by the Government, from time to time, granting rewards, for whatever reason; and the first four columns of the required statement can be filled up in your Office, with little or no trouble, though some care and circumspection on your part will be needed to ensure the inclusion therein of every individual of your Division, whether belonging to the service of Government or otherwise, to whom a

reward in land has been granted by the Government. To enable you to fill in the several entries of the 5th column, you will call upon each Collector for the statement (in original) of confiscated Mehals, which he will have prepared for submission to the Sudder Board of Revenue, in obedience to their Circular Order, dated 4th March 1858; or if in any instance, a Collector has failed to prepare the statement in question, you will call upon him to draw out and submit it forthwith.

14th.—At the foot of the Statement A., will appear the abstract, in the form marked B., for the compilation of which no instructions seem to be required. A few fictitious entries have been made in the Statement A., in order to show how it is to be prepared, and what particulars it is intended to exhibit.

15th.—You will observe that by the foregoing instructions, the duty of selecting the properties to be assigned in satisfaction of the reward promised by Government to each individual, is entrusted to you, and a few words of caution on the subject will not be misplaced.

16th.—The Governor General, while administering the Government of these Provinces, practically established it, as a general rule, that land assigned as reward for service, should continue to be charged with revenue, and that the jumma of the past settlement should be taken as the basis of valuation. But the jumma, it is to be observed, is not by any means a fair criterion of net income, or profit, after paying expenses of management. The settlements of the Districts in these Provinces have been made since a time, varying from thirty to seventeen years, and in this interval there have been great changes in the value or out-turn of landed properties, which at the time of settlement were fairly assessed. In some Districts agricultural industry had made the most of the land, in others there were great capabilities of agricultural improvement; in others again, from various causes, such as over-cropping, and consequent exhaustion of the soil, percolation from the canals, fluvial action, and so forth, there may have been extensive deterioration. In short, the jumma of the last settlement, however fairly it may have represented the value of an estate at the time, cannot be taken as a certain indication of its value now. Not unnaturally those to whom rewards have been granted, desire to secure the most profitable estates, and to this, it is to be apprehended, is due the delay which has taken place in giving effect to the Government orders.

17th.—This, then, is one point to which you will have to look in selecting the villages to be assigned; and in order to secure to each individual, as nearly as possible, what it was intended that he should receive, it will be your duty to ascertain approximately the fairly-estimated rental of each Mehal, you may choose for alienation in reward, checking your conclusions by reference to the Settlement Statement No. IV., which will show how the area was distributed at the time of settlement, and will give in the quantity of culturable land not cultivated, a fair notion of the then prospective capabilities of the Mehal. The Sudder Board of Revenue will be able to furnish extracts from the Statement No. IV., if they should not be readily accessible to you.

18th.—Another point, which calls for notice, is the assignment of lands to Native Officers of the Government, for whom reward of this kind has been sanctioned. Such Officers are forbidden to hold landed property within the District in which they hold office, except it should have come to them by inheritance, and for very special reasons, perhaps in some cases a similar exception may be made in respect of villages granted in recognition of service. But certainly, as a general rule, and except for reasons which must be fully explained, Native Officers must receive their assignments in other Districts than those to which they are officially attached. Land in the District of their home will be equally, if not more, acceptable.

19th.—The cases of this kind, His Honor apprehends, are comparatively few, and you will be able, in correspondence with the other Commissioners, to arrange about assignments to this class. It must, however, be noted, that every Native Officer, to whom reward in land has been promised, will appear in the Statement A. of that Division to which he belongs, as well as in the statement of the Division in which land may be

assigned to him. This precaution is necessary to ensure completeness of the statements from the several Divisions. Among the fictitious entries in the annexed statement will be found one or two of this nature, exemplifying what is desired.

20*th*.—Local claims, *i. e.* claims of bankers, independent native gentlemen, zemindars, and others domiciled in the Division, will best be met by assignments of land in the Districts to which they belong, and in proximity, if possible, to properties of which (if any) they may be already possessed.

21*st*.—Another point, in respect of which caution will be requisite, is that villages, selected for alienation in reward, should be unencumbered, and that the title conveyed to the assignments should be indisputable. Under Section 18 of Act IX. of 1859, no claim to restitution by re-appearance, and under Section 20, no claim in the Civil Court or the Court of Special Commission on the ground of alienation, can be raised beyond one year from the date of attachment or seizure of the property. No villages should be assigned in reward, upon which there are admissible liens, or of which the confiscation has not become final by *effluxion* of time or otherwise. These facts should be certified either in the column of Remarks, as respects each assignment, or at the foot of the statement generally. It will be understood that assignments already made and reported to Government and approved, will find a place in the Statement A., with a note in the column of Remarks, referring to the Government orders on the subject.

22*nd*.—Though you are called upon to use your discretion in the distribution of estates to persons rewarded, you are of course not only at liberty, but expected to consult the District Officers as to their capabilities, and to apply to them for information as to encumbrances, liens, &c.

23*rd*.—The Statement A., with the Abstract B., will be submitted (together with the Confiscation Statements prescribed by the Sudder Board Circular B., dated 4th March 1858, where that has not been already sent in) to the Sudder Board of Revenue, who will be requested to examine, and if they think fit, amend the assignments and eventually to lay the Statements therein prescribed, together with the Confiscation Statement of each District, before the Government for orders, with their opinion as to the manner in which each estate, not alienated in reward, had best be disposed of.

Statement A.—(Continued.)

Number.	Name, designation, and residence of persons rewarded.	No. and date of Government Orders granting rewards.	Summa of lands to be given in reward.	VILLAGES PROPOSED TO BE ASSIGNED AS REWARDS.				Name of Rebel, for whose proprietor.	REMARKS.
				No. in Sudder Board's Statement.	Name of Village.	Jumma.	Pergunnah.	District.	
4	Lalla Thakoor Dyal, Tehseedar of Paway, Zillah Shahpore, resident of Agra.	No. 560, dated 10th March 1858, to Commissioner of Rohilkund.	600	"	"	"	"	"	The land is to be assigned in Zillah Agra, and Commissioner has been requested to include the case in his Statement.
5	Sheikh Sekunder Ali, Tehseedar of Bah Phulbat, Zillah Agra, resident of Badoon.	No. 3876, dated 5th August 1858, to Commissioner of Agra, and No. 3877, to Commissioner of Rohilkund.	1000	23	Ruseehpore, ...	1000	Sateewan, ... Badoon, ...	Badoon, ...	This assignment has been made to the Tehseedar in this District under orders of Government circulated, and in pursuance of letter No. 380, from Commissioner of Agra, dated 5th July 1859.

N. D.—All the Melas, entered in sub-division B. of column 5, were confiscated by sentence of Special Commissioner, more than a year ago. The Rebels have not made appearance, and no suits have been filed. There are no known incumbrances or liens.

Abstract B. for the Division of *in pursuance of Government Orders, No.* *, dated* *July 1859.*

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
No.	District.	Total No. of confiscated Mehals in State. Total Jumma of Soldier Board of Revenue.	Total Jumma of Column 3.	Number of persons rewarded by assignment of land in each District of the Division.	Total No. of Mehals assigned in each District according to Statement.	Total Jumma of Column 6.	No. of confiscated Mehals remaining in each District of the Division.	Serial No. remaining in Soldier Board's Statement of each District.	Total Jumma of Column.
1	Lijnour, ...	50	Rs. 28,000	12	23	16,200	27	1 5 6 10 12 13 14, &c.	11,800
2	Moradabad, ...	64	50,000	30	39	35,000	25	3 6 9 15 16 17 18 20 25 36 and so on.	15,000
	and so on for each District of the Division.								.

CIRCULAR No. 9.—*From G. COUPER, Esquire, Secretary to Government, North Western Provinces, to Commissioners of Divisions.—Revenue Department.—Dated Allahabad, the 14th November 1859.*

As references have been received from more than one quarter, under the supposition that Deputy Collectors, invested with Magisterial powers, are barred, under Section 164 of Act X. of 1859, from exercising any jurisdiction under that Act, I am directed to forward copies, as per margin,* of a correspondence which has taken place between this Government and the Commissioner of Benares,

* From Commissioner, 5th Division, No. 54, dated 20th July, and three enclosures.

The reply of Government, No. 1617, dated 25th August, with copies of the papers therein alluded to.

on the subject, for your information and guidance.

No. 54.—*From F. B. GUBBINS, Esquire, Commissioner, 5th Division, to G. COUPER, Esquire, Secretary to Government, North Western Provinces, Allahabad.—Dated Benares, the 20th July 1859.*

I have the honor to submit copies of correspondence, as per margin, that has been passed between the Officiating Collector of Ghazee-pore, No. 360, dated 9th July 1859. Collector of Ghazee-pore, No. 272, do 16th idem. Commissioner, „ 272, do 16th idem. Collector, „ 377, do 18th ditto. regarding the interpretation to be put on Section 164, Act X. of 1859, and

to request that I may be favored with the opinion of Government, as to whether the orders issued to Mr. Bax on this subject, were correct or not.

2nd.—The objection taken by the Collector of Ghazee-pore is a very just one, as there is no doubt but that the provisions of this enactment will (if I have interpreted them correctly) greatly paralyse the working of our Police Courts.

No. 360.—*From J. H. BAX, Esquire, Officiating Collector of Ghazee-pore, to F. B. GUBBINS, Esquire, Commissioner, 5th Division, Benares.*

With reference to Section 164 of Act X. of 1859, I have the honor to request the favor of your informing me, whether the expression “Police functions” applies solely to Tehseeldars in their capacity of Police Officers and Thannadars, or could it be interpreted to apply to Deputy Collectors with Magisterial powers, who necessarily have Police functions too.

2nd.—Mr. Bachman is a Deputy Collector under Regulation IX. of 1833, and has full Magisterial functions; in fact it would generally apply to all Uncovenanted Officers, whose substantive appointments are generally Deputy Collectors under the above Regulation.

No. 272.—*From F. B. GUBBINS, Esquire, Commissioner, 5th Division, to J. H. BAX, Esquire, Officiating Collector of Ghazee-pore.—Dated Benares, the 16th July 1859.*

I have the honor to acknowledge the receipt of your letter, No 360, dated 9th instant, and in reply to inform you, that Section 164, Act X. of 1859, has no reference whatever to Tehseeldars or Thannadars,

2nd.—The Section merely bars Mr. Bachman or any other Deputy Collector under Regulation IX. of 1833, from trying cases under this enactment as long as you

entrust him with any Foujdaree work. At least this is the way in which I understand the Section.

No. 377.—From J. H. BAX, *Esquire, Officiating Collector of Ghazee pore, to F. B. GURBINS, Esquire, Commissioner, 5th Division, Benares.*—Dated Ghazee pore, the 18th July 1859.

The opinion expressed in your letter, No. 272, dated 16th instant, deprives me at once of two Deputy Magistrates, and will involve on me an amount of detail work that I shall scarcely be able to accomplish satisfactorily.

2nd.—The Act framed as it was in the actual Bengal Presidency, might work without any inconvenience where the Revenue duties are generally separated from the Criminal; but here, while depriving Mr. Bachman and Roy Buldeo Buxsh of current criminal work, I cannot deprive them of the Police functions given them by Government in addition to their substantive appointment of Deputy Collectors.

No. 1617.—From J. D. SANDFORD, *Esquire, Officiating Under-Secretary to Government, North Western Provinces,* .—to F. B. GURBINS, *Esquire, Commissioner of the Benares Division.*—Dated Allahabad, the 25th August 1859.

I am directed to acknowledge the receipt of your letter No. 54, dated 20th ultimo, submitting a correspondence with the Officiating Collector of Ghazee pore, regarding the interpretation to be put on Section 164, Act X. of 1859, and soliciting the opinion of Government, as to whether your interpretation is correct, viz., that “no Deputy Collector can try suits under the Act, so long as any Foujdary work be entrusted to him;” and in reply, to communicate the following observations and orders:—

2nd.—If your interpretation were correct, it would be simply impossible that the Act could be carried out in these Provinces, where every Deputy Collector is, His Honor believes, also a Deputy Magistrate, unless indeed Government were disposed to deprive these Officers of their Magisterial powers. But the interpretation put upon the Section by you is, His Honor considers, wholly incorrect. The Section was meant to apply to certain Deputy Magistrates in Bengal, who are described in a dissent recorded by the Hon^{ble} Mr. Peacock, as having been appointed for the purpose of exercising *Magisterial* functions, and continually moving about in their Districts, in order to superintend and control the Police, who are in fact to be employed in the Department of Executive Police. These men will not, it is presumed, be employed in judicial work at all; they will have nothing to do with deciding criminal cases, but will be simply Superintendents of Police. The other Deputy Magistrates, *i. e.*, those who are to be employed in the trial of criminal cases, are not to be incapacitated for exercising jurisdiction under Act X. of 1859. In fact they are the very men who will be employed in the trial of cases under the Act. That this view is correct, is evident from the assents and dissents recorded by members of the Legislative Council; extracts from which are sent herewith. Accordingly, the Deputy Magistrates of these Provinces are evidently not incapacitated under the Act any more than the Deputy Magistrates in charge of Subdivisions in Bengal, alluded to in the paragraphs, of which copies are enclosed. The Deputy Collectors, though they may also be Deputy Magistrates, will be able to exercise jurisdiction under Act X. of 1859, so long as they are not vested with the functions of Executive Police.

Extract Para. 6 of Mr. Currie's Assent.

6.—Because when the principle involved in the new section, which was introduced by the Council into the Bill, is carried out, (as it may be without any further legisla-

tion,) and Officers exercising Police functions, are divested of all judicial powers, it will still be necessary that in the large districts of the Lower Provinces there should be sub-divisions, in charge of Deputy Magistrates, for the trial of criminal cases, which indeed the main object for which sub-divisions were first constituted; and if such Deputy Magistrates are also Deputy Collectors, as they are at present, the local Courts, which in those Provinces are undoubtedly necessary to give the people the full benefit of the Provisions of this Bill, will be supplied without additional expense; some portion of the Officers already authorized, being made Deputy Superintendents of Police, and the remainder being invested with the charge of sub-divisions.

Extract Para. 3 of Mr. Grant's Assent.

3.—On the worst possible supposition, namely the incapacitation of all Deputy Magistrates being also Deputy Collectors for the trial of rent-suits, by reason of their being all vested with functions of Executive Police; still even in this case the great majority of the parties to such suits will have the very same Officers stationed at the very same places to resort to, after this Bill becomes law; that they do in fact now resort to, and effectively it is not to be doubted that they will have many more; because it cannot be presumed that a District properly apportioned into sub-divisions, and adequately supplied over its whole extent with Deputy Magistrates, will require all or nearly all those Deputy Magistrates to be employed in the Department of Executive Police. The true use of the greater number will be in the Department of Criminal Justice, acting in which their presence throughout the District will remove the great approbrium of the old system, which is the want not of local Police Officers, but of local Judges. The employment of these sub-divisional Criminal Judges in their capacity of Deputy Collectors, also in the trial of the classes of Civil suits to which this Bill relates will be entirely proper in itself, and entirely consistent with the objects of their appointment. And though I wish that the Moonsiffs' Courts also had been left open to this class of suitors; yet, as in fact, the Moonsiffs' Courts try now only a small minority of these cases, I cannot deny that, when the arrangements in prospect are completed, the practical effect of this Bill will be to bring the trials nearer than they are at present to the doors of most of the parties, and most of the witnesses concerned.

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ORDERS OF THE GOVERNMENT, NORTH WESTERN PROVINCES.

For 1859.

GENERAL, FINANCIAL, AND FOREIGN DEPARTMENT.

No. 26.—*Notification.*—*General Department, North Western Provinces.*—*Dated Allahabad, the 11th January 1859.*

The following notice, issued by the Post Master General North Western Provinces, is published for general information :—

Much unnecessary correspondence being entailed on the Officials of the Post Office, by Officers refusing to receive and pay for the covers superscribed, “ On the Public Service only,” when charged with bearing postage in consequence of their not being properly franked, the Post Master General, North Western Provinces, publishes for general information copies of the Orders of the Supreme Government, dated the 13th July 1855, and 28th July 1858, by which it will be seen that Public Officers are enjoined to receive all service covers that are charged with postage, in consequence of being improperly franked, or not franked at all, and recover the amount by a charge in a Contingent Bill, in their own Department, supported by the original covers as Vouchers.

No. 884.—*Notification.*—*General Department, North Western Provinces.*—*Dated Allahabad, the 11th January 1859.*

Extract of an Order by the Supreme Government, dated the 13th July 1855.

No Public Officer is authorized to send covers on the Public Service by post, without payment of postage, unless he is at the time on active duty, and in charge of the Office by virtue of which the privilege is enjoined. All letters superscribed as, “ On the Public Service only,” must even, though the postage thereon be not paid, be received and opened by the Officer to whom they are addressed; but if any such unpaid, or partially paid letter so superscribed and addressed to any Officer, except a Secretary to Government, be found, when opened, to relate to the private affairs of the sender, the postage will be debited to him, and he will be further liable to be dealt with under Section 47, Act No. XVII. of 1854.

His Honor in Council further directs, that unpaid, or insufficiently paid letters, addressed to any such Officer, or Department, and not superscribed “ On the Public Service only,” be refused, or if opened, that it be at the risk and cost of the opener.

Extract from the Proceedings of the Hon'ble the President of the Council of India, in Council, in the Home Department, under date the 28th July 1858.

Some time in December last, Mr. * * * sent by the post an envelope containing * * * * The envelope was superscribed as, “ On the Public Service only,” and was

signed by Mr. * * * without any official designation. It seems to have been sent free by post from Persia, as it bears the red Persian field force post mark; but on arrival at Bombay, it was charged with postage, (not being franked by an authorized Officer,) and forwarded to its destination.

On being delivered to Mr. * * * that Officer wrote upon the letter "Bearing Postage, refused A. B." It was accordingly returned to the Calcutta Post Office, and sent back thence to Bombay. At Bombay it was opened in usual course according to law, and returned with its enclosure to Mr. * * *.

Mr. * * * now complains to the Government of India, and lays the blame on the Post Office.

The Hon'ble the President in Council considers, that it is not the Post Office that is to blame in the matter, but Mr. * * *, who on receiving the envelope superscribed "On the Public Service only," and signed C. D., refused to receive it, merely because it was charged with postage, instead of paying the postage, and charging it in his Contingent Bill. Mr. * * * in this acted in direct contravention of a positive Order of the Government of India, contained in the Notification of the 13th July 1855, (No. 884.)

The Post Office acted strictly according to law and rule; and blame cannot fairly be imputed to the Officers of the Department for failing to discover the importance of the letter, and not treating it exceptionally.

REVISED RULES.

XI.—At each Presidency Post Office, Banghy parcels will be received every day, Sundays excepted, for despatch from 10 A. M. till 5 P. M., and newspapers and letters every day till 6 P. M., after which hours respectively, late letters, newspapers, or parcels, will be received till 7 P. M., on payment of an extra postage of 8 annas on each cover.

XIII.—At Provincial Post Offices, banghy parcels will be received for despatch from 10 A. M. till 4 P. M., and letters and newspapers till 5 P. M., after which hours respectively, late letters, newspapers, or parcels, will be received till 5½ P. M., on payment of an extra postage of 8 annas on each cover. *Late letters, &c., whether posted at a Presidency Post Office or at a Provincial Post Office, must be prepaid in stamps so as to include both the ordinary postage and the late-letter fee.*

XXIV.—Letters will be registered on payment of a fee of 4 annas, and parties posting such letters will be furnished with a receipt bearing the address of the letter and the office stamp. On the delivery of a registered letter, a receipt for the same must be given to the delivery peon. *The postage and registration fee of registered letters must be prepaid in stamps.*

No. 36.—Notification.—General Department.—Dated Allahabad, the 3rd February 1859.

The following Extract of the Proceedings of the Government of India, in the Financial Department, under date the 14th ultimo, is published for general information:—

No. 157.

Extract from the Proceedings of the Government of India, in the Financial Department, under date the 14th January 1859.

READ an Office Memorandum, from the Home Department, No. 2842, dated the 29th ultimo, forwarding for consideration and orders, papers relative to an application from Captain R. Murray, Deputy Superintendent of Electric Telegraphs, in the North Western Provinces and the Punjab, for preparatory leave prior to applying for sick Furlough to Europe.

RESOLUTION.

The President in Council observes that Captain R. Murray, Deputy Superintendent of Electric Telegraphs, in the North Western Provinces and the Punjab,

* Vide orders in the Home Department,
dated 17th December 1858.

who applied for three months' leave of absence preparatory to applying for Furlough to Europe, on Medical Certificate, was allowed,* on a re-

port from the Civil Auditor, Fort William, leave for eight weeks only, in accordance with the Financial Resolution of 14th October 1857.

2.—Captain Murray, however, urges that the Resolution above adverted to, does not apply to Military Officers in Civil employ; and he, therefore, solicits that his application for preparatory leave may be re-considered, and leave granted to him for the period asked for, viz., three months, instead of eight weeks.

3.—On this solicitation, His Honor in Council is pleased to allow, in the present case, leave for three months; but he directs that, in future, preparatory leave to Military Officers in Civil employ be regulated by the Military Rules, with this exception, viz., that such leave shall, in no case, be extended beyond a period of four, six, or eight weeks, according as the distance to be travelled, shall not exceed 300 or 600 miles, or be in excess of the last mentioned distance.

CIRCULAR No. —From the Secretary to the Government of India, Home Department, to
—Dated the 11th January 1859.

It has become the practice in many of the Public Officers, in the several Presidencies, and at the seat of the Supreme Government, to print Official Letters and Papers instead of copying them in manuscript.

2. Persons seeing an Official document in print are apt to suppose that it has been published, and that they are at liberty to use it accordingly, or at any rate to be careless, whether its contents become generally known or not. This is a mistake.

3. Official Papers, whether printed or copied by hand, are of a confidential character, and are not to be published except by order of competent authority and under the prescribed rules. The same precautions are to be taken in either case against their publication, and in either case the infraction of the existing prohibition is equally culpable.

4. I am directed by the Hon'ble the President in Council, to request that instructions to this effect may be generally circulated.

NOTIFICATION.

17th February 1859.—No. 94.—The following Circular No. 499, dated 28th January, issued by the Officiating Secretary to Government of India, in the Public Works Department, is published for general information:—

CIRCULAR No. 499.—General Department.—Dated Allahabad, the 21st February 1859.

THE Right Hon'ble the Secretary of State for India has observed, in a recent Report by the Chairman of a projected Railway Company, a quotation from a letter from an Officer in the Public Works Department on the project in question. His Lordship observes, that this Officer was probably not aware of the use to which his letter would be applied; but that it is very desirable that Officers in the service of Government, especially those who are in a position which adds weight to their opinions, should abstain from entering into a correspondence with the projectors of schemes which have been referred for the consideration of the Government of India, or from expressing in any way opinions which may be employed by the Directors of Companies in England, to gain the support of the public to their proposed undertakings. The Right Hon'ble the Secretary of State desires that these views may be promulgated and acted on by all Officers.

RESOLUTION.

22nd March 1859.—No. 323.—The following Resolution, No. 373, issued by the Government of India, Home Department, under date the 19th February 1859, is republished for general information :—

“ 21st February 1859.—No. 373 —*The following Resolution of the Right Hon'ble the Governor General of India in Council, under date the 19th February 1859, is published for general information.*

Read again the Resolution dated the 28th February 1856, regarding the allowances, to be passed to Roman Catholic Bishops and Chaplains, &c.

Read a Despatch No. 8, dated the 31st December 1858, from the Right Hon'ble the Secretary of State for India, on the above subject.

Read also the 11th paragraph of the Despatch of the Hon'ble the Court of Directors No. 8, dated the 1st July 1857, on the subject of allotting Roman Catholic Priests to stations where no European Troops are located.

Under the 5th, 6th, and 7th paragraphs of the Resolution of the 28th February 1856, an allowance of Rs. 400 per mensem was authorized to be drawn by each of four Bishops of the Roman Catholic Church in India, viz., by one in each of the Presidencies of Madras and Bombay, and by one in each Division of the Bengal Presidency, in consideration of the labor imposed on them in furnishing the Ecclesiastical Returns for transmission to England.

Under the 9th paragraph of the same Resolution, the following principles were laid down for determining the numbers and rates of pay of Roman Catholic Priests at the several stations in India.

1. Wherever two or more European Regiments are quartered together, two Priests shall be allowed on salaries of Rs. 150, and Rs. 100 per mensem, respectively.

2. Wherever more than one Regiment of Europeans, but less than two shall be located, one Priest shall be allowed on a salary of Rs. 150 per mensem.

3. But the Priests at each seat of Local Government shall be allowed a salary of Rs. 150 per mensem, irrespective of the number of European Regiments located there.

4. At any other station to which a Priest may be appointed, his salary shall be Rs. 100 per mensem.

In addition to the provision made for the spiritual wants of Troops at Stations, it was determined in the 8th paragraph of the Resolution of the 28th February 1856, “that a Priest shall be allotted to every Station where, though there may be no European Regiment, such a number of British-born Roman Catholics in the service of the Government may reside as may seem to Government to require a separate Pastor.”

On this point the Hon'ble the Court of Directors, in the 11th paragraph of their Despatch No. 8, dated the 1st July 1857, desired that this Government “should lay down with more precision the circumstances under which the Local Government may grant an allowance to places where no European Regiment may be stationed.” The consideration of this suggestion was deferred by the Government of India until the return of tranquillity.

In the Despatch of the Secretary of State of the 31st December 1858, quoted at the head of this Resolution, an augmentation of the allowances heretofore passed to the Roman Catholic Bishops and Priests has been sanctioned. The Bishops are henceforth to draw Company's Rs. 500 per mensem each, while the allowances to Roman Catholic Chaplains are authorized to be raised from Rs. 100 and Rs. 150 to Rs. 150 and Rs. 200 per mensem, respectively.

His Excellency the Governor General in Council is pleased accordingly to give effect to the above orders from this date.

His Excellency in Council is also pleased to determine, with reference to the 8th paragraph of the Resolution of the 28th February 1856, and the suggestion of the Hon'ble the Court of Directors made in their Despatch of the 1st July 1857 above quoted, that a Priest on a salary of Rs. 150 a month shall be allotted to every Station where, though there may be no European Regiment, there shall be at least 100 British-born Roman Catholics, Natives of Great Britain and Ireland, resident and in the service of Government.

ORDERED.—That a copy of this Resolution be communicated to the Military, Foreign and Financial Departments, for information and for the issue of such further orders as may be necessary in those Departments.

That a copy of this Resolution be communicated to the Governments of Fort St. George, Bombay, Bengal, the North Western Provinces, the Punjab, and the Straits' Settlements, for information and guidance.

And that this resolution be published in the *Calcutta Gazette* for general information.

NOTIFICATION.

General Department.—Dated Allahabad, the 25th April 1859.

"Fort William, 6th April 1859.—No. 473.—The following Notification, from the Home Department, is published in General Orders:—

1st April 1859.—No. 691.—The following Rules for the transmission of Service Messages by Electric Telegraph, passed by his Excellency the Governor General of India in Council, on the 1st April 1859, in supercession of all previous Rules on the subject, are published for general information:—

I. From the 1st May 1859, all Messages sent on Service by public functionaries of all classes, must be paid for in cash previous to despatch.

II. The rates payable for the number of words and distances, will be the same in all respects as those charged to private individuals.

III. Repetition price will be charged, whenever the Message contains numbers, or refers to financial matters.

IV. The privilege of precedence in despatch for all Service Messages will cease, except in cases of pressing public emergency and importance, when priority of despatch may be claimed by the sender. The Superintendent will bring to the notice of the Government of India any case of a Public Officer insisting in priority of despatch without reason.

V. One exception only will be made to the Rules of cash payments. Officers in command of Troops employed in operations in the Field, may send their Messages without payment. But this privilege does not extend to the case of Troops marching to join, or to moveable columns while halted, and with funds available for contingent expenses.

VI. The sums paid by public functionaries for the despatch of Messages will be recovered from Government by the sender, by contingent bills countersigned as usual.

VII. The above Rules do not apply to the Hooghly River Lines and Offices, which are employed for special purposes.

VIII. The Governors of Pondicherry and Goa shall also continue to enjoy the privilege of free transmission of Messages conceded to their Governments."

No. 4880.—*Extract from the Proceedings of the Government of India, in the Financial Department, dated 3rd June 1859.*

READ an endorsement from the Home Department, No. 1356, dated the 9th ultimo forwarding, for consideration and orders, a despatch from the Government of Bombay No. 1140, dated the 10th idem, submitting for decision a question connected with the Uncovenanted Service Leave Rules.

RESOLUTION.

The Government of Bombay enquires, whether an Uncovenanted Servant is at liberty to draw his salary while absent on *privilege* leave; and remarks that the rule under which Covenanted Civil Servants are debarred from drawing their allowances until their return to duty, would, if held applicable to Uncovenanted Servants, occasion pecuniary embarrassment, if not entirely prevent the privilege being availed of.

2.—In this opinion, however, the Governor General in Council cannot agree. He finds that men are willing enough to avail themselves of Privilege Leave, even under the restrictions at present in force, which do not permit of allowances being drawn by parties absent on Privilege Leave, until they return to duty.

* No. 40 of 1856, para. 3.

"A Civil Servant must return to his duty at the expiration of his Privilege Leave to entitle him to the advantages thereof. His allowances will therefore not be payable till he shall have rejoined his appointment."

3.—These restrictions appear to be founded on the late Hon'ble Court's orders, dated 21st May 1856, as noted in the margin.* There is, however, no express interdiction in the Rules, nor any definite ruling against *Uncovenanted* Servants drawing their allowances during absence on Privilege Leave.

4.—But in the case of Private Affairs Leave, the Uncovenanted Rules distinctly provide that "no portion of the salary allowed to be drawn will be claimable, till the absentee shall have returned to his duty;" and in the case of *Sick* leave, (and *Sick* leave only) it is provided in Sec. X (now Sec. VI) that "parties who may desire to draw their allowances while absent on leave, will be required to give security "in such amount, and form as may be fixed by Government for the refund of any excess that may be drawn in case of their coming under retrenchment;" thereby implying that in cases of absence on other kinds of leave, allowances cannot be issued during such leave.

5.—On these grounds, the Governor General in Council considers, that an Uncovenanted Servant cannot draw his salary while absent on Privilege Leave.

ORDER.—Ordered, that a copy of the foregoing Resolution be sent to the Home Department, for communication to the Government of Bombay.

* Foreign, Home, Military, and Public Works Departments.

† Governments of Bengal, Madras, N. W. Provinces, Punjab, and Straits Settlement.

‡ Civil Auditors, Fort William, Fort Saint George, Bombay, N. W. Provinces and Punjab.

Ordered further, that a copy of the Resolution be sent to the Departments* Governments† and Officers‡ noted in the margin, for information and guidance.

DOCKET No. 352.—From C. B. THORNHILL, Esquire., Officiating Commissioner, 4th Division, to G. E. W. COUPER, Esquire, Secretary to the Government of the North Western Provinces, Allahabad.—Dated Allahabad, the 25th May 1859.

COPIES, submitted of Dispensary Returns for 2nd half of 1858, for the districts of the Allahabad Division.

Half-yearly Return of Patients treated in the Allahabad Charitable Dispensary, from the 1st July to 31st December 1858.

Patients.	Remaining on the 30th June 1858.	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.	REMARKS.
In-door Patients, ...	0	0	0	0	0	0	0	0	0	
Out-door Patients, ...	21	2709	2730	2255	93	0	3	333	46	
Total, ...	21	2709	2730	2255	93	0	3	333	46	

Half-yearly Cash Accounts of the Charitable Dispensary, from the 1st July to 31st December 1858.

Dr.

	Rs.	A.	P.		Rs.	A.	P.
To Balance in hand on the 1st July 1858,				By amount pay of establishment, from 1st July to 31st December 1858, ...	1650	4	9
To Subscription collected from 1st July to 31st December 1858, ...	0	0	0	Amount paid for Bazar Medicines supplied to the Dispensary ...	91	11	3
To Government Donations drawn from the month of July to December, at Rs. per mensem, under orders dated, ...	0	0	0	Balance in hand, ...	0	0	0
To Amount of Cash received from Government, through the Superintendent, from 1st July to 31st December 1858, ...	1742	0	0	Total, Co's Rs. ...	1742	0	0
Total, Co's Rs. ...	1,742	0	0				

(Signed) DENANATH DOSS,

Sub-Assistant Surgeon.

(Signed) J IRVING,

Superintendent.

Half-yearly Return of Patients treated in the Banda Charitable Dispensary, from the 1st July to the 31st December 1858.

Patients.	Remaining on the 1st July 1858.	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.	REMARKS.
In-door Patients, ...	5	47	52	23	12	2	5	1	9	
Out-door Patients, ...	15	931	946	631	108	10	4	146	47	
Total,	20	978	998	654	120	12	9	147	56	

Banda :
The 1st January 1859. }

(Signed) JAMES ADAMSON,
Civil Assistant Surgeon,
Zillah Banda.

Half-yearly Cash Account of the Banda Charitable Dispensary, from the 1st July to the 31st December 1858.

Dr.

Cr.

	Rs.	A.	P.		Rs.	A.	P.
To Balance in hand on the 30th June 1858,	0	0	0	By amount pay of establishment, ...	406	10	8
To Government Donations drawn from the month of July up to 31st December, ...	559	6	0	By amount paid for diet supplied to the In-patients, ...	63	1	1
				Ditto for Half-yearly supply of Bazar Medicines, ...	89	10	3
				Balance in hand, ...	8	0	0
Total, Co's Rs. ...	559	6	0	Total, Co's Rs. ...	559	6	0

Banda :
The 1st January 1859. }

(Signed) JAMES ADAMSON,
Assistant Surgeon in Medical Charge,
Zillah Banda.

Half-yearly Return of Patients treated in the Futtehpore Charitable Dispensary, from the 1st July to the 31st December 1858.

Futtehpore, 1st January 1859.

Patients.	Remaining on the 30th Jan. 1858.	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.
In-door Patients, ...	0	30	30	24	0	0	2	0	4
Out-door Patients,...	0	122	122	96	0	0	0	0	26
Total, ...	0	152	152	120	0	0	2	0	30

Half-yearly Cash Accounts of the Charitable Dispensary, from the 1st July to the 31st December 1858.

Futtehpore, 1st January 1859.

Dr.

Cr.

	Rs.	A.	P.	Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.
To Balance in hand on the 30th June 1858, ...	6	0	0	0			By amount pay of establishment from 1st July to the 31st December 1858, ...	421	11	9			
To Subscription collected from 1st July to the 31st December 1858, ...	0	0	0	0			By amount paid for diet supplied to the patients at, ...	468	5	4	490	1	1
To Government Donation drawn from the month of August up to December, at Rs. per mensem, ...	490	1	1	490	1	1	By amount for Half-yearly supply of clothes to the In-patients in last, ...	0	0	0	0	0	0
To Interest upon Government Promissory Notes drawn in &c. &c.,...	0	0	0				Ditto do. paid to extra Native Doctors employed in, ...	0	0	0	0	0	0
	0	0	0				Balance in hand,...	0	0	0	0	0	0
Total, Co's. Rs.	490	1	1				Total, Co's. Rs.	490	1	1	0	0	0

(Signed) T. T. SHERLOCK,

Civil Assistant Surgeon, Futtehpore.

Half-yearly Return of Patients treated in the Government Dispensary at Cawnpore, from 1st July to 31st December 1858.

Cawnpore, the 1st January 1859.

Patients.	Remaining on the 30th June 1858.	Admitted.	Total.	Cured.	Relieved.	No better.	Incurable.	Died.	Patients not known
In-door Patients,...	12	103	115	73	1	0	0	20	6
Out-door Patients,	28	2055	2083	1702	143	0	13	0	199
Total, ...	40	2158	2198	1775	144	0	13	20	2

(Signed) JOHN TRESIDDER,
Civil Surg. Govt. Dispensary, Cawnpore.

(Signed) RAM SING,
*Native Doctor in charge,
Government Dispensary*

*Half-yearly Cash Account of the Government Dispensary at Cawnpore,
from 1st July to 31st December 1858.*

Cawnpore, the 1st January 1859.

Dr.

Cr.

	Rs.	A.	P.		Rs.	A.	P.
To Balance in hand on the 1st July 1858, ...	0	0	0	By amount pay of establishment from 1st July to 31st December 1858, ...	501	0	0
Subscription collected from 1st July to 31st December 1858,				By amount paid for house rent from 1st July to 31st December 1858, ...	150	0	0
Government Donation from 1st July to 31st December 1858, at average rate of Rs. 167-7-5 = 77 per mensem, under orders, date not known, ...	1004	12	10	By amount for food supplied to the patients, from 1st July to 31st December 1858, ...	87	12	10
Interest upon Government Promissory Notes drawn in,				By amount paid for Country Medicines, from 1st July to 31st December 1858, ...	74	5	5
				By amount paid to Extra Native Doctor employed in the Government Dispensary, from 1st July to 31st December 1858, ...	150	0	0
				By amount paid for miscellaneous articles supplied to the Government Dispensary, from 1st July to 31st December 1858, ...	43	10	7
Total, Rs.	1004	12	10	Total, Rs. ..	1004	12	10

(Signed) J. TRESIDDER,
*Civil Surgeon and Superintendent,
Government Dispensary, Cawnpore.*

(Signed) RAM SING,
*Native Doctor in charge,
Government Dispensary.*

*Half-yearly Return of Patients treated in the Kirwar Charitable Branch Dispensary,
from 1st July to 31st December 1859.*

PATIENTS.	Remaining on the	Admitted.	Total.	Cured.	Relieved.	Incurable.	Died.	Result not known.	Remaining under treatment.	REMARKS.
In-door Patients, ...	0	9	9	4	0	0	3	0	2	
Out-door Patients, ...	36	1137	1173	774	87	10	11	241	59	
Total, ...	36	1146	1182	778	87	10	14	241	61	

Banda:
1st January 1859.

(Signed) JAMES ADAMSON,
Civil Assistant Surgeon,
Banda.

*Half-yearly Cash Account of the Kirwar Charitable Branch Dispensary, from the
1st July to the 31st December 1858.*

Dr.

Cr.

	Rs.	A.	P.		Rs.	A.	P.
To Balance in hand on the 30th June 1858, ...	0	0	0	By Amount pay of establishment, ...	192	0	0
				By amount paid for diet supplied to the In-patients,...	11	14	3
To Charitable Donations from the month of July up to the 31st December 1858, ...	270	7	0	Ditto for Half-yearly supply of Bazar Medicines, ...	66	8	9
				Balance in hand, ...	0	0	0
Total, Co's. Rs. ...	270	7	0	Total, Cr's. Rs. ...	270	7	0

Banda:
1st January 1859.

(Signed) J. ADAMSON,
Assistant Surgeon in Medical charge,
Zillah Banda.

No. 1049 of 1859.—*From F. B. OUTRAM, Esquire, Under-Secretary to the Government of the North Western Provinces, to C. B. THORNHILL, Esquire, Officiating Commissioner, Allahabad Division—General Department.—Dated Allahabad, the 1st July 1859.*

I AM directed to acknowledge the receipt of the Dispensary Returns of your Division for the 2nd half of 1858, received with your Docket No. 352, dated 25th May last, and in reply to call your attention to the Circular Order of this Government, No. 321, dated 22nd March 1859, with enclosures, and to observe that Government expects District Officers will exert themselves to induce residents to contribute monthly subscriptions in aid of these institutions.

2nd.—If subscriptions are discontinued permanently, the Government must withdraw its support.

No. 660 of 1859.—*From A. ROSS, Esquire, Officiating Commissioner of the Agra Division, to G. E. W. COOPER, Esquire, Secretary to the Government of the North Western Provinces.—Dated Agra, the 8th July 1859.*

I HAVE the honor to submit for the consideration and orders of Government, copy of a letter No. 114, dated 2nd instant, from the Magistrate of Etawah, with its annexures, on the subject of the extent to which aid may be legitimately afforded by a public officer in the publication of notices, having for their object the making widely known among the native community, the project of private companies or individuals, calculated to benefit the public.

2nd.—I am not aware that this question has before been raised, at least exactly in its present form; but I myself can see no objection if the distinction laid down in the 5th and 7th paras. of Mr. Hume's letter, be strictly observed by a public officer lending the amount of and contemplated by Mr. Hume in the promulgation of such notices as Mr. Hume describes.

3rd.—The orders of Government are solicited on this subject.

No. 114 of 1859.—*From ALLAN HUME, Esquire, Magistrate of Etawah, to A. ROSS, Esquire, Commissioner of the Agra Division.—Dated Etawah, the 2nd July 1859.*

I HAVE the honor to enclose for your consideration copies of two applications this day received, one from the Deputy Agent of the East Indian Railway Company, and the other from the Manager of the Ganges Canal Navigation Company.

2nd.—I personally concur that the publication of such notices would be for the benefit of the public, but I doubt whether, according to the rules in force, any such notices can be promulgated by means of, or through Government officials, without the permission of Government.

3rd.—As the recent influx of independent Europeans into these Provinces, and the daily increasing number of Joint Stock Companies renders it probable, that district officers will frequently receive similar applications, I think it would prevent much inconvenience if Government would at once issue some definite instructions as to how they are to be dealt with.

4th.—Government and Government officials are after all only the representatives or servants of the public, and if any scheme promises *prima facie* to afford advantages to that public, I see no reason why public officers, (while scrupulously guarding themselves against recommending the same,) should not, so far as can be done without interfering with their more special duties, cause such projects to be generally known.

5th.—I would draw a distinction between schemes which relate directly to the convenience of the public, such as the present, and others of which the chief advantages may be supposed to result to the originators of the scheme, and from which the benefit to the public is doubtful.

6th.—It is impossible to define in words any *exact* boundary or line of demarcation between the two classes of undertakings, but at the same time, I think that the distinction must be apparent to any educated person.

7th.—I would recommend therefore some such rule as the following: that on receipt of such application, the Magistrate should record on it his opinion as to whether the notice was or was not of a nature deserving circulation through the agency of Government servants, and immediately submit the same to the Commissioner, whose orders on the subject should be final.

Of course all I propose that Government officials should do in such matters is, to distribute and affix in conspicuous places on Thannas, Tehseelees, Marts, Bazars, and other places of public resort, such printed or written notices as may be furnished them by the parties desirous of giving publicity to any work or project.

No expense of any sort could of course be incurred by Government for such purposes.

No. 272.—From CECIL STEPHENSON, *Esquire, Deputy Agent, East Indian Railway Company*, to A. O. HUME, *Esquire, Magistrate of Etawah*.—Dated Allahabad, the 30th June 1859.

I HAVE the honor to request the favor of your allowing a copy in both characters of the enclosed Notification to be posted at the Kotwalee and Thannahs within your jurisdiction.

From W. CHARDE, *Esquire, Manager, Ganges Canal Navigation Company, Meerut*, to A. O. HUME, *Esquire, Magistrate of Etawah*.—Dated the 29th June 1859.

I BEG you will have the goodness to permit the accompanying copies of Prospectuses and Tables of Rates of this Company in Persian and Nagree to be distributed in all the principal towns in the Etawah District, through means of the several Thannadars.

It is certainly for the benefit of Government to encourage and promote commerce while it will be no less to the advantage of the people of your district, but more especially of the trading or mercantile section, the Saookars, Bippiaries and Sodagars, to have the opportunity of availing themselves of cheap water carriage, in room of the far more expensive land transport they have been hitherto confined to in most of the Stations.

No. 1225 of 1859.—From F. B. OUTRAM, *Esquire, Officiating Under-Secretary to Government, North Western Provinces*, to A. ROSS, *Esquire, Officiating Commissioner of the Agr. Division*.—General Department.—Dated Allahabad, the 25th July, 1859.

I AM directed to acknowledge the receipt of your letter No. 660, dated 18th instant, submitting a copy of one from the Magistrate of Etawah, and of its annexures, regarding the extent to which it may be legitimately afforded by a public officer, in the publication of notices, having for their object, the making widely known among the native community projects of private companies, or individuals which are of a nature calculated to benefit the public.

2nd.—The Lieutenant Governor sees no objection whatever to the recommendation of Mr. Hume, in his 7th paragraph, viz., that, on the receipt of such applications as those submitted by him, the Magistrate should record on them his opinion, as to whether the notice is or is not of a nature deserving of circulation through the agency of Government servants, and submit it immediately to the Commissioner of the Division, whose orders on the subject should be final.

3rd.—The interference of Government officials should be confined to the allowing such printed or written notices as may be furnished to them by the interested parties to be affixed to Thannahs, Tehseelees, Marts, Bazars and other conspicuous places of public resort. The Police should not be employed as a means of circulating the prospectuses, and of course no expense of any kind shall be incurred by Government for such purposes.

4th.—As suggested by Mr. Hume, a Circular declaring the above rule will be promulgated.

CIRCULAR NO. 4.—From F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces, to the Commissioner of Divisions.—General Department. Dated Allahabad, the 25th July 1859.

APPLICATIONS having been brought to the notice of this Government for permission to circulate through public officers, notices which have for their object the making widely known among the Native community, projects of private companies or individuals, which are of a nature calculated to benefit the public, and as many similar applications are likely to be preferred in consequence of the recent influx of enterprising Europeans into these Provinces, and the daily increasing numbers of Joint Stock Companies, His Honor the Lieutenant Governor directs that the following rule may be observed in such cases.

2nd.—On the receipt of such an application, the Magistrate will record on it his opinion, as to whether the notice is or is not of a nature deserving of circulation through the Agency of Government servants, and submit it immediately to the Commissioner of his Division, whose orders on the subject will be final.

3rd.—The Police must not be employed as a means of circulating these prospectuses, nor may any expense whatever be entailed on Government on such an account. The aid afforded by Government officials need only extend to permitting such notices, written or printed, as may be furnished by the parties desirous of giving publicity to the work on project, to be affixed to Thannahs, Tehseelees, Marts, Bazars and other conspicuous places of public resort.

No. 1310 of 1859.—Notification.—General Department.—North Western Provinces. Dated Allahabad, the 4th August 1859.

With reference to Section X. of the Pension Rules of the 4th January 1831, and the Resolution of the Supreme Government, dated 30th December 1818, which require that the case of an applicant for a superannuation pension shall be supported by a Medical opinion, and when practicable, by the opinion of a Medical Committee; the Lieutenant Governor desires, that in future the head of the office will invariably draw up a narrative memorandum, to be sent with the applicant to the Medical officer and Committee.

This memorandum should show the age of the party, the term of his employment in the Public Service, his habits of life so far as they are known, the duty upon which

he has been employed, and the requirements of physical energy and mental capacity, which the efficient discharge of such duty involves, together with such other particulars as sound judgment would indicate to be necessary to complete the case for medical opinion.

CIRCULAR No. 5513 of 1859.—*From R. SIMSON, Esquire, Under-Secretary to the Government of India, to G. E. W. COUPER, Esquire, Secretary to the Government of the North Western Provinces.—Foreign Department. Dated Fort William, the 9th September 1859.*

I AM directed by the Governor General in Council to forward for the information of the Lieutenant Governor copy of a Despatch from the Secretary of State for India, No. 33, dated 28th July last, together with a copy of the Notification issued by the Supreme Government thereon, and to request that the same may be made generally known in the North Western Provinces, and published in the *Vernacular Gazette*.

No. 5512.—*Notification—Fort William, Foreign Department, the 9th September 1859.*

THE following Despatch from the Right Hon'ble the Secretary of State for India, No. 33, dated the 28th July last, is published for general information:—

All memorials and other communications addressed to Her Majesty, are to be presented in the first instance, to the local Government of the Presidency, or to the local administration of the Province to which such memorials or communication may relate.

They will be forwarded by the local Government or administration to the Government of India accompanied, if in any native language, by a full translation in English, and by the Government of India to Her Majesty's Secretary of State.

No memorials or other communications addressed to Her Majesty, if sent or presented otherwise than according to this rule, can be attended to.

By order, &c.

(Signed) C. BEADON,
Secretary to the Government of India.

No. 33.—*Political.—From C. Wood, Esquire, Secretary of State for India, to His Excellency the Right Hon'ble the GOVERNOR GENERAL of India in Council. Dated India Office, London, the 28th July 1859.*

For some years passed, a large number of letters, some in English, and others in different native languages, have been forwarded through the Post Office, to the address of Her Majesty, and since the assumption of the direct Government of India by the Crown, the number of these communications has increased, and may still further increase. It is desirable, therefore, that you should adopt measures to make it more generally known, that all memorials or other communications addressed to Her Majesty, should be forwarded through the local Governments of India. These communications you will transmit to me in the several Departments to which the subject treated of belongs, and when they are written in the Native languages, translations into English should be attached to them.

FINANCIAL DEPARTMENT.

No. 2591.—*Extract from the Proceedings of the Hon'ble the President of the Council, of India in Council, in the Financial Department, under date the 30th April 1858.*

It is no doubt necessary, the Honorable the President in Council remarks, that every office should open Registers of Leave of Absence granted to the Members of its Establishment, but he is of opinion that all the five Registers prescribed by the Government of Bombay, are not required. No such leave as "Casual Leave on Private Affairs" has ever been sanctioned by this Government, and His Honor in Council requests that the order of the Bombay Government allowing such leave, and the Register* instituted by them in consequence of that order, may be cancelled. The other Registers proposed by the Government of Bombay, may be comprised in three Forms.

1, For Sick Leave, under Section V. of the Uncovenanted Absentee Rules, dated 22nd February 1856.

1, For Private Affairs Leave, under Section VII., VIII., and IX. of the same rules and.

1, For Casual Leave, under the provisions of the Financial Resolution, dated 19th March 1858.

His Honor in Council accordingly directs, that the following three Forms, being the Bombay Forms modified, may be adopted by the several Local Governments and administrations, and introduced in all the Offices under their control:—

1st FORM.

Register showing the period of Absence of Members of the Establishment of drawing Rs. 100 a month and upwards, on Sick Leave under Section V. of the Unaccrenated Absentee Rules, dated 22nd February 1856, for the year.

1	2	3	4	5	6	7
Names.	Salaries.	Clause and Section by under which leave is granted.	NUMBER OF DAYS ABSENT IN EACH OF THE FOLLOWING MONTHS.	Total Number of days Absent in the year.	AMOUNT DEDUCTED FROM THE SALARY OF THE ABSENTEE, IN EACH OF THE FOLLOWING MONTHS.	REMARKS.
			January.		January.	
			February.		February.	
			March.		March.	
			April.		April.	
			May.		May.	
			June.		June.	
			July.		July.	
			August.		August.	
			September.		September.	
			October.		October.	
			November.		November.	
			December.		December.	

2ND FORM.

Register showing the period of Absence of Members of the Establishment of drawing Rs. 100 a month and upwards, under Sections VII, VIII, and IX. of the Uncovenanted Absentee Rules, dated 22nd February 1856, for the year.

(The same statement as No. 1.)

NOTE.—Column 6 will of course be blank, when leave is given under Section VII.

3RD FORM.

Register showing the period of Absence of Members of the Establishment of drawing Rs. 10 a month on casual leave, under the provisions of the Financial Resolution of the Government of India, dated 19th March 1858, for the year

NAMES.	Salaries.	Number of days absent in each of the following months.												Total number of days absent in the year.	REMARKS.
		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.		

In regard to Sick Leave and Private Affairs Leave granted to Ministerial Officers drawing less than Rs. 100 and more than Rs. 10 a month, His Honor in Council desires that a separate Register may be opened in the following Form, Register showing the period of absence of Members of the Establishment of drawing less than Rs. 100 and more than Rs. 10 a month on leave granted to them according to the spirit of the Uncovenanted Absentee Rules, dated 22nd February 1856, for the year

NAMES.	Salaries.	Number of days absent in each of the following months.												Total number of days absent in the year.	Amount deducted from the salary of the absentee in each of the following months.												REMARKS.
		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	

It does not appear to His Honor in Council to be necessary that the Heads of Offices should furnish the Civil Auditor with "a monthly statement of Leave of Absence of every description granted to Uncovenanted Servants, &c.," in addition to the monthly statement prescribed by the orders of this Government, dated 9th November last; but he is of opinion that the Bombay Civil Auditor's Form D., which is substantially the same as the form laid down in the orders of this Government, above referred to (except as regards the columns headed "Without Leave" and "Casual Leave on Private Affairs"), and which the Civil Auditor, Fort William, recommends to be generally introduced with some modifications (not specified) may, with advantage, be introduced in substitution of the form prescribed by the orders of the 9th November last. He desires, however, that the column headed "Casual Leave on Private Affairs" may be struck out of the statement.

The statement is as follows:—

D.

Monthly Statement of Leave of Absence of every description granted to Uncovenanted Servants drawing more than Rs. 10 per mensem in the office of the for the month of

Name of Absentee.	Office held by Absentee.	Monthly salary.	Without leave.	Sick leave under Sections IV. and V.	Private affairs under Section VIII.	LEAVE.				Period of absence during the month.	Amount of deduction from the salaries.	Rate of deductions.	Name of substitute (if any.)	Amount payable to substitute.	Net amount to be retrenched from Pay Abstract for the above month.	REMARKS.
						Special leave on private affairs under Section IX.	Privilege leave under Section VII.	Casual leave on private affairs.	Casual leave for sickness.							

With reference to the Column headed "Without Leave," His Honor in Council remarks, that "Absence without Leave" renders the absentee liable under Section II. of the rules to loss of appointment, with entire forfeiture of salary for the whole period of such absence; but this penalty will not always be enforced; and in cases in which it is not enforced, the absence shall not count in the period of the absentee's service.

The Alphabetical Register introduced in his office by the Civil Auditor at this Presidency, is highly necessary; but it ought, His Honor in Council thinks, to be in the following form:—

Annual Absentee Register of Uncovenanted Servants drawing more than Rs. 10 a month in the year alphabetically arranged.

Name of absentee.	Office held by absentee.	Monthly salary.	Without leave.	ABSENT.				REMARKS.
				On sick leave under Section V.	On privilege leave under Section VII.	On private affairs leave under Section VIII.	On private affairs leave under Section IX.	On casual leave under the provisions of the Financial Resolution, dated 19th March 1858.

Adverting to the remark of the Civil Auditor, Fort William, that Uncovenanted "Servants can claim" Privilege Leave and Casual Leave, His Honor in Council desires that, that officer's attention be drawn to Section IX. of the Uncovenanted Absentee Rules, wherein it is distinctly explained, that no leave on private affairs is claimable as a matter of right; and to Para. I of the Financial Resolution, dated 19th March last, wherein it is stated, that Casual Leave may be granted by the Heads of the Offices at their discretion.

(Signed) C. H. LUSHINGTON.

Secretary to the Government of India.

NOTIFICATIONS.

No. 597.—25th March 1859.—The following Notifications, Nos. 18 and 19, issued by the Government of India, Financial Department, under date the 15th March, are re-published for general information :—

“ No. 18.

“ 28th February 1859.—The following Extract (paragraph 68) from a Despatch from the Right Hon'ble the Secretary of State for India, No. 2 of 1859, dated 6th January, is published for general information :—

*Reply to Financial Government letter,
No. 112, dated 23rd August 1858,
reporting the Proceedings for the 1st
Quarter of 1858.*

Para. 68.—As it appears that Civil Court Ameen appointed under the Act XII. of

1856, are remunerated by fixed monthly salaries, and that all fees connected with their employment are credited to Government, I see no reason for withholding from them the same benefit as regards Pensions as is recorded to other Mem-

bers of the Uncovenanted Civil Service.”

No. 19.

The following Extract (paragraphs 91 to 94) of Despatch, No. 2 of 1859, dated 6th January, from the Right Hon'ble the Secretary of State for India, is published for general information :—

*Reply to Financial Government letter
No. 112, dated 23rd August 1858, re-
porting the Proceedings for the 1st Quar-
ter of 1858.*

Para. 91.—On the vacation by Mr. Ross of his appointment as Magistrate and

Para. 365-366.—Have refused to allow Mr. J. Bax, Joint Magistrate and Deputy Collector of Ghazepore, Deputation allowance for the first month of the second occasion on which he officiated as Magistrate and Collector of that District.

Collector of Ghazepore, Mr. Bax was appointed to officiate for him; but before he had been employed for two months in that capacity, he was relieved by Mr. Brereton, a Civilian out of employ, who had to be provided for. Three weeks afterwards Mr. Brereton was appointed Magistrate and Collector at Goruckpore, and Mr. Bax was again directed to take charge of the District of Ghazepore.

92.—Under Section XXVII. of the Absentee Rules, which provides that “ No Subordinate Officer acting for his principal or for any other person holding a superior appointment in the same Office or establishment at the same station, shall be entitled to any Deputation allowance until after the expiration of one month,” Mr. Bax was not granted Deputation allowance for the first month that he officiated as Magistrate and Collector; but your Government have also refused to pass Deputation allowance to him for another month after his re-appointment to the above capacity.

93.—The Civil Auditor remarks that the Rule above quoted “ does not in his opinion deprive Mr. Bax of another month's Deputation allowance from the date he resumed charge of his officiating duties from Mr. Brereton,” and that he does “ not consider that the two periods into which his (Mr. Bax) officiating incumbency of the Office of Magistrate and Collector of Ghazepore was divided by the intermediate appointment thereto of another Officer for the short space of three weeks, can be properly regarded as two different cases.”

94.—I concur in the opinion expressed by the Civil Auditor, that the rule above alluded to is intended to apply only when a principal or superior Officer is away from

his Station on leave or otherwise, and not on every occasion that the same subordinate may be appointed his *locum tenens* in the course of the same absence or deputation, and I authorize you to pass the Deputation allowance claimed by Mr. Bax for the second period of his officiating appointment.

NOTIFICATIONS.

No. 1346.—7th May 1859.—The following Notification, issued by the Government of India, Financial Department, under date 29th April last, No. 33, is re-published for general information:—

29th April 1859.—No. 33.—Read again the following papers, on the subject of the Deputation Allowance receivable by Convenanted Officers, Civil or Military, acting for Uncovenanted Officers, and *vice versa*.

Order contained in the Financial Resolution, No. 5701, dated 8th October 1858.

Paragraph 4 of Financial Resolution, No. 1433, dated 11th February 1859.

Read the undermentioned papers on the same subject:

Letter from Civil Auditor, Fort William, No. 985, dated 4th instant.

Letter from the Punjab Civil Auditor, No. ³¹/₂₇ dated 23rd ultimo.

RESOLUTION.

His Excellency the Governor General in Council is pleased to pass experimentally for one year, the following Rules in respect to the Deputation Allowance receivable by the Officers mentioned below:—

When Convenanted Officers, Civil or Military, officiate for Uncovenanted Officers and when Uncovenanted Officers act for Convenanted Officers, Civil or Military, the Deputation Allowance, in such cases, will be regulated according to the principle laid down in Chapter VI., Sections 25, 26 and 27, of the Convenanted Civil Absentee Rules, it being understood however that Section 27 shall not apply to *Ministerial Officers*, acting for Convenanted Officers, who are entitled to Acting Allowance from the date they commence to officiate, and not after the expiration of one month, as in the case of other Uncovenanted Officers of superior grade.

When an Officer of the Uncovenanted Service acts for another of the same Service, or when a Military Officer acts for another Military Officer, he shall be governed by the Rules of the respective Services to which he belongs.

In passing the foregoing Rules, the Governor General in Council directs that the Audit Offices, in the several Presidencies and Governments, should submit, at the expiration of the experimental year, for which the Rules are sanctioned, a Return showing in juxta-position the amount forfeited by the Absentees of the Military (so far as it is concerned with the Civil Department) and Uncovenanted Services, as well as that defrayed in the remuneration of their Substitutes in the same manner as is done at present, with regard to the forfeited Salary and the Deputation Allowance of Convenanted Civil Servants.

ORDER.—Ordered, that a Copy of the foregoing Resolution be sent to the Civil Auditors, Fort William, Fort St. George, Bombay, and North Western Provinces, for information and guidance, and to the Punjab Civil Auditor, in reply to his reference above adverted to.

Ordered further, that a transcript of the Resolution be published in the Official Gazette for general information.

DOCKET NO. 6741 OF 1859.—From C. H. LUSHINGTON, Esquire, Secretary to the Government of India, to G. E. W. COUPER, Esquire, Secretary to the Government of the North Western Provinces, Financial.—Department. Dated Fort William, the 22nd July 1859.

FORWARDS copy of a Notification published in reference to paragraphs 14 to 16, of a Despatch from the Right Hon'ble the Secretary of State for India, No. 33, dated

21st April 1859, directing that the rule laid down by the late Hon'ble the Court of Directors in paragraph 2 of their Despatch No. 24, dated 28th August 1844, (considering it objectionable in principle to grant allowances appointed as the remuneration for actual service, and to meet expenses, necessarily attendant thereon to an Officer on retirement) shall not be held to be applicable to Officers sanctioned only for a limited term.

No. 61.—*Notification.—Financial Department.—Fort William, the 22nd July 1859.*

READ paragraphs 14 to 16 of the Despatch from the Right Hon'ble the Secretary of State for India, No. 33 of 1859, dated the 21st April.

In conformity with the instructions of the Right Hon'ble the Secretary

* Paragraph 2nd of Despatch from the Hon'ble the Court of Directors, No. 24 of 1844, dated the 28th August.

"We consider it objectionable in principle to grant allowances appointed as the remuneration for actual services, and to meet expenses necessarily attendant thereon, to an Officer in retirement. In the case however of Individuals displaced by the abolition, or the consolidation with others of the offices they held, we shall not object to the continuance to the Officer, while he remains entirely unemployed, of such portion of his former salary as the circumstances of his case may appear to you to justify to an extent not exceeding two-thirds of its amount. The earliest opportunity must be embraced of appointing such Officers to a permanent situation, on succeeding to it, the allowance now authorized will cease; but if the emolument of the new appointment be inferior to that of the office previously held, you are at liberty to grant, if you think fit, the difference between the salaries of the two situations or any portion of it as an extraordinary allowance."

in the margin,* shall not be held to be applicable to Officers sanctioned only for a limited term.

No. 6741.

Forwarded to the Government of the North Western Provinces.

No. 2668.—*Financial Department, the 17th August 1859.*

THE following correspondence, forwarded by the Secretary to the Government of India, in the Financial Department, is published for general information:—

No. 6215

Extract from the Proceedings of the Government of India, in the Financial Department, dated 12th July 1859.

Read again the following papers relative to the allowances of Military Officers in civil employ after their return from sick furlough from England:—

Financial letter to the Government of the North Western Provinces, No. 3073, dated 4th July 1856.

Financial letter to Civil Auditor, Fort William, No. 1964, dated 1st April 1858, with enclosure.

Financial Resolution, dated 30th June 1859, No.

Read the following papers on the same subject:—

Office Memorandum from the Officiating Junior Secretary to the Government of Bengal, No. 219*, dated 15th ultimo.

Financial Office Memorandum, sent to Military Department, No. 5048, dated 20th idem.

Reply from Military Department, No. 1267, dated the 29th idem, with its enclosure, being an extract from the Court's Despatch noted below.

Ordered, that a copy of paragraph 3 of the late Hon'ble Court's Despatch in the Military Department, No. 171, dated 15th October 1856, fixing the period from which a Military Officer on Staff or Civil employ, returned from leave beyond sea, can be allowed to draw his Staff allowances; and further, that a copy of the Office Memorandum from the Military Department, stating that the rule above laid down by the Hon'ble Court, is still in force, be sent to the Government of Bengal, in reply to the reference from that Government, above adverted to.

Ordered, further, that copies of the above-mentioned papers be sent to the Government of the North Western Provinces, in supercession of the orders contained in paragraph 2 of the letter from this Department, No. 3073, dated 4th July 1856.

Ordered, also, that transcripts of the above papers be sent to the Civil Auditor, Fort William, with reference to previous communications on the subject.

Ordered, moreover, that copies be sent to the Civil Auditors, Madras, Bombay, North Western Provinces, and the Punjab, for information and guidance.

Nos. 56 and 590 of 1859.—*From J. A. LOCH, Esquire, Officiating Civil Auditor of the North Western Provinces, to G. E. W. COOPER, Esquire, Secretary to the Government of the North Western Provinces.—Financial Department. Dated Allahabad, the 30th June 1859.*

With reference to the fact of Railway travelling having been established between Allahabad and Cawnpore, I have the honor to request that you will obtain for me the orders of the Honorable the Lieutenant Governor, as to the course to be adopted in the Audit of Bills for travelling allowance; as I do not suppose that it can be intended to continue the present rates of 8 annas a mile for Covenanted, and 4 annas a mile for Uncovenanted Officers, in the cases of transit between the two stations mentioned.

2nd.—It would in my opinion be fair, if for such journeys the actual expenses were allowed.

No. 2136 of 1859.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces, to the Secretary to Government of Bengal.—Financial Department, Fort William. Dated Allahabad, the 16th July 1859.*

I AM directed to request that, with the permission of the Hon'ble the Lieutenant Governor of Bengal, information may be communicated to this Government as to the rule which obtains within the Lower Provinces regarding the amount of travelling allowance to be drawn by servants of Government travelling by Railway on the Public Service.

No. 1862 of 1859.—*From Lord H. U. BROWNE, Under-Secretary to Government of Bengal, to F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces.—Revenue Department. Dated Fort William, the 29th July 1859.*

I AM directed to acknowledge the receipt of your letter No. 2136, dated the 16th instant, and in reply to forward for the information of the Hon'ble the Lieutenant Governor of the North Western Provinces, a copy of a Circular No. 36, dated 6th August 1856, together with a copy of the rules referred to therein, prescribing the rates of travelling allowance to be drawn by public Officers subordinate to this Government when travelling on duty by Railroad.

CIRCULAR No. 36 of 1858.—*From C. T. Buckland, Esquire, Junior Secretary to the Government of Bengal, to the Commissioner of Circuit, Board of Revenue, Sadler Court, Director of Public Instruction, Inspector of Jails, Medical Board, Deputy Surveyor General, Railway Commissioner.*—Judicial Department.—Dated Fort William, the 6th August 1858.

I AM directed by the Lieutenant Governor to forward for your information and guidance, and for communication to the Officers subordinate to you, the accompanying copy of an order passed by the Lieutenant Governor, regarding the rate of travelling allowance to be drawn by public Officers travelling by Railway when on duty.

ORDER.—Whenever an Officer of any Department travelling on duty is entitled to draw travelling allowance reckoned by mileage, and he travels the whole distance, or any portion of the distance by Railroad, he shall charge for such distance at the rate of 3 annas a mile only, if he is an Officer entitled to charge ordinarily at the rate of 8 annas or upwards per mile, and at the rate of $1\frac{1}{2}$ anna per mile only, if he is an Officer entitled to charge ordinarily at a rate below 8 annas.

NOTIFICATION.

No. 2855 of 1859.—*Financial Department, North Western Provinces.*—Dated Allahabad, the 26th August 1859.

THE Hon'ble the Lieutenant Governor is pleased to direct the adoption in the Provinces subject to this Government of the following rules, (which are in force in Bengal) regulating the amount of travelling allowance to be drawn by Officers proceeding by Railway on the Public Service:—

Whenever an Officer of any Department travelling on duty is entitled to draw travelling allowance reckoned by mileage, and he travels the whole distance, or any portion of the distance by Railroad, he shall charge for such distance at the rate of 3 annas per mile only, if he is an Officer entitled to charge ordinarily at the rate of 8 annas or upwards per mile, and at the rate of $1\frac{1}{2}$ anna per mile only, if he is an Officer entitled to charge ordinarily at a rate below 8 annas.

FOREIGN DEPARTMENT.

RESOLUTION.

No. 996.—13th April 1859.—THE following Resolution, passed by the Government of India, in the Financial Department, No. 2292, under date the 11th ultimo, is published for general information:—

No. 2292.

Retracted from the Proceedings of the Government of India, in the Financial Department, under date the 11th March 1859.

Read the following:—

No. 129.—Office Memorandum.—From the Officiating Under-Secretary to the Government of India, Public Works Department, to the Secretary to the Government of India, Financial Department.—Dated Fort William, the 10th January 1859.

In forwarding to the Financial Department the accompanying letter from the Secretary to the Chief Commissioner of the Punjab, with the papers noted in the margin,* regarding a claim preferred by Captain Thompson, of the Invalid Establishment, for remuneration on account of his services as Cashier of the Hill Roads, Department of Public Works, the undersigned would observe, that the case involves a general principle applicable to all Departments, and therefore refers the matter to the Secretary in the Financial Department, for consideration and orders.

Nos. 321 to 1766.—From R. Temple, Esquire, Secretary to Chief Commissioner for the Punjab, to Captain H. Yale, Officiating, Secretary to the Government of India, with the Governor General.—Dated Lahore, 29th October 1858.

I AM directed to forward, for the consideration and orders of the Right Honble PUBLIC WORKS, GENERAL ESTABLISHMENT, the Governor General, copy of a letter No. 2906, dated 13th instant, from the Officiating Chief Engineer.

2.—Captain Thompson, an Officer on the Invalid Establishment at Simla, was, with the concurrence of the Chief Engineer, appointed by Captain Briggs, the Cashier of the Hill Roads Division of Public Works, on a salary of Company's Rs. 100 per mensem. But by Government Resolution in the Financial Department, of the 8th January last, it is ruled that the Military allowances of retired Officers in Civil employ shall be merged in their Civil allowances. In this particular instance, however, Captain Thompson's Military allowances exceed his Civil allowances; and by the application of the foregoing Resolution, he would not be entitled to any extra pay for performing the duties of Cashier.

3.—The Chief Commissioner would observe, that in the first instance this appointment seems to have been made without due authority, inasmuch as in the new Code the highest rate of salary allowed for a Cashier is but Rs. 50 per mensem. But still the Chief Commissioner considers that Captain Thompson is undoubtedly entitled to some remuneration for the trouble and expense entailed on him in performing the duties of Cashier to the Hill Road Division.

No. 2906.—*From Lieutenant Colonel E. L. Ommanney, Officiating Chief Engineer, Punjab, to R. Temple, Esquire, Secretary to the Chief Commissioner, Punjab.—Dated Lahore, 13th October 1858.*

CAPTAIN THOMPSON, of the Invalid Establishment, was appointed by Captain Briggs to fill the place of Cashier of his Division, and his appointment was approved by the Officiating Chief Engineer, and communicated in letter No. 1533, dated 1st July 1858.

2.—The first charge for his salary appeared in Captain Briggs' muster roll for July 1858, and was retrenched by this Office for want of a certificate, shewing the amount of his monthly pension, to enable this Office to make the deduction prescribed by Government in Resolution No. 88, dated 8th January 1858.

3.—Lieutenant Houchen, Officiating Superintendent, Hill Roads, in his letter No. 287, dated 7th ultimo, (copy of which is herewith annexed) requests sanction to submit a contingent bill for Rs. 200, on account of Captain Thompson's allowance as a Cashier for July and August 1858, and solicits further instructions on this matter, as Captain Thompson cannot be expected to perform the duties of Cashier without remuneration.

4.—The case is a peculiar one, and is not provided for in the Government Resolution referred to, as Captain Thompson's pay, as an Invalid Officer, is greater than his allowance of Rs. 100 as a Cashier. It is therefore submitted for the orders of the Chief Commissioner, or if necessary, for those of the Supreme Government.

From Lieutenant Colonel E. L. Ommanney, Officiating Chief Engineer, Punjab, to Captain H. Yule, Officiating Secretary to the Government of India, with the Governor General.—Dated Lahore, 15th November 1858.

In reply to your note, asking under what circumstances Captain Briggs was allowed to appoint Captain Thompson of Invalids, a Cashier at Rs. 100 a month, you will find on reference to the tabular statement sanctioned by the President in Council, dated 27th April 1858, Public Works Department, Fort William, that a Cashier on Rs. 100 a month was included both in the present and proposed scale, the present scale having been previously sanctioned in Financial Department of Government of India's No. 5360, of 18th December 1857. A Mr. Primrose, and afterwards Captain Thompson were employed as Cashiers, until the stoppage of work about May 1857, when the latter's services were dispensed with by Captain Briggs, and were not again made use of until he received the orders for resumption of work on the Dugshaie Tunnel. As this work has again been suspended until the receipt of revised estimate for increasing the width of the Tunnel to fifteen feet, Captain Thompson's services have again been dispensed with. The system, as personally explained to me by Captain Briggs, of having a well-paid Cashier to go over the road and works once a week to pay all the work people, answered well. Captain Briggs, I may here mention, had no treasure chest, treasurer, or even cash book in the ordinary acceptation of the term, but banked with the Deputy Commissioner at Simla, who cashed all his drafts; and this is the system which I should like to see introduced in the Punjab generally, by which we should be able to do away with all Executive Engineers' treasurers and treasure guards, as has lately been proposed in Bengal.

I will take care that letters from this Office are more explanatory in themselves in future.

FINANCIAL DEPARTMENT.—RESOLUTION.

Under the circumstances stated in the letter from the Secretary to the Government of the Punjab, No. 321, dated the 29th October last, the Governor General in Council is pleased to permit Captain Thompson, of the Invalid Establishment at Simla, to draw from the Civil Department, for the period during which he performs the duties of Cashier of the Hill Roads, Division of Public Works, the salary of which appointment is less than the Military allowances of Captain Thompson, one-third of such salary in addition to his Military allowances.

As regards the general principle which the present case involves, and which is adverted to by the Public Works Department in its Office Memorandum No. 120, dated the 10th ultimo, the Governor General in Council remarks, that this kind (in which the salary of the appointment in which the Invalid Officer may be acting is less than his Military allowances) will always be determined on the merits, on the understanding that the remuneration to be paid to an Invalid Officer employed in the Civil Department in addition to his Military allowances, shall never exceed one-third of his salary of the office to which he may be nominated.

Copy forwarded to the Public Works Department, for communication to the Government of the Punjab.

Copy forwarded to the Departments,* Governments,† and Officers,‡ for information and guidance.

* Foreign, Home, and Military.

† Bengal, North Western Provinces, Fort St. George, and Bombay.

‡ Civil Auditors, Fort William, Fort St. George, Bombay, Agra, and Punjab.

(A true Extract.)

(Signed) C. H. LUSHINGTON,

Secretary to the Government of India.

By Order of the Hon'ble the Lieutenant Governor, North Western Provinces.

F. B. OUTRAM,

Offg. Under-Secy. to Govt., N. W. P.

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ORDERS OF THE GOVERNMENT,

NORTH WESTERN PROVINCES,

FOR 1859.

PUBLIC WORKS DEPARTMENT.

CIRCULAR No. *From C. BEADON, Esquire, Secretary to the Government of India,*
Home Department, to —Dated the 11th January 1859.

It has become the practice in many of the public offices in the several Presidencies, and at the seat of the Supreme Government, to print official letters and papers instead of copying them in manuscript.

2.—Persons seeing an official document in print are apt to suppose that it has been published, and that they are at liberty to use it accordingly, or at any rate to be careless whether its contents become generally known or not. This is a mistake.

3.—Official papers, whether printed or copied by hand, are of a confidential character, and are not to be published, except by order of competent authority, and under the prescribed rules. The same precautions are to be taken in either case against their publication, and in either case the infraction of the existing prohibition is equally culpable.

4.—I am directed by the Hon'ble the President in Council to request, that instructions to this effect may be generally circulated.

* Nos. 127, Foreign Department; 128, Military Department; 129, Financial Department; 130 Public Works Department.

Ordered, that the foregoing letter be forwarded to the Department

ments noted in the margin,* for the purpose indicated.

No. 256.—*Public Works Department.—Dated Fort William, the 19th January 1859.*

Copy forwarded to the Government of the North Western Provinces, for information, and for communication to the Chief Engineers under their authority.

CIRCULAR No. 361.—*From Major R. STRACHEY, Officiating Secretary to the Government of India, to W. MUIR, Esquire, Secretary to the Government of the North Western Provinces.—Public Works Department.—General Establishment.—Dated Fort William, the 22nd January 1859.*

IN accordance with a resolution passed in the Financial Department, No. 155, of the 14th January 1859, the Hon'ble the President in Council is pleased to direct, that leave to visit the Presidency preparatory to furlough, shall only be granted to Military Officers of the Public Works Department, to the extent of four, six, or eight weeks, according as the distance travelled, shall not exceed 300 or 600 miles, or be in excess of the last-mentioned distance.

CIRCULAR No. 499.—*From Major R. STRACHEY, Officiating Secretary to the Government of India, to W. MUIR, Esquire, Secretary to the Government of the North Western Provinces.—Public Works Department.—General Public Works.—Dated Fort William, the 28th January 1859.*

THE Right Hon'ble the Secretary of State for India has observed in a recent report by the Chairman of a projected Railway Company, a quotation from a letter from an Officer in the Public Works Department, on the project in question. His Lordship observes that this Officer was probably not aware of the use to which his letter would be applied, but that it is very desirable that Officers in the service of Government, especially those who are in a position which adds weight to their opinions, should abstain from entering into a correspondence with the projectors of schemes which have been referred for the consideration of the Government of India, or from expressing in any way opinions which may be employed by the Directors of Companies in England, to gain the support of the public to their proposed undertakings. The Right Hon'ble the Secretary of State desires that these views may be promulgated and acted on by all Officers.

CIRCULAR No. *Public Works Department.—General Establishment.—Dated Fort William, the 21st February 1859.*

WITH a view to obviate the inconvenience that, under existing rules, may arise from the absence, on privilege leave, of Executive Officers without a previous communication with the Civil and Military Authorities of their stations, the Government of India deems it necessary to direct that, for the future, an Executive Officer or an Assistant, when forwarding his application for leave to the Departmental Authorities, shall state that he has ascertained from the principal public Officers of other Departments in his Division, that his absence is not likely to be attended with any inconvenience to the public service.

No. 994.—*Public Works Department.—Dated Fort William, the 21st February 1859.*

Copy forwarded to the Government of the North Western Provinces, for information and guidance.

CIRCULAR No. 6446.—*From MAJOR R. STRACHEY, Officiating Secretary to the Government of India, to W. MUIR, Esquire, Secretary to the Government of the North Western Provinces.*—Public Works Department.—*Dated Fort William, the 21st December 1858.*

GREAT irregularities and delays being of constant occurrence in the submission of

ANNUAL.

* I. Return of entire Establishments as on the books of the Department on the 1st May, showing the names of all persons, Europeans, East Indians, or Natives, in receipt of Rs. 10 a month or upwards. In duplicate one copy to Department of Public Works, one copy to Financial.

To be submitted
on or before 1st

II. Part I.—Return of the superior grades of Uncoventanted servants. To include all Europeans and East Indians of whatever grade or rate of pay. For Financial Department only.

15th June.

II. Part II.—Return of the superior grades of the Native Uncoventanted Servants, including only the Engineer or Upper Subordinate Establishments, and those who have been placed in the classified Lists in the *Government Gazette* as holding equal Departmental rank with Officers of those Establishments. For Financial Department only.

15th June

III. Report on the conduct of the Upper Subordinates. For Department of Public Works only. (Code Form No. 2.)

15th June.

HALF-YEARLY.

I. Distribution Return of the Engineer and Upper Subordinate Establishments. For Department of Public Works only. (Code Form No. 134.)

1st June and
1st December.

II. Reports of recommendations for promotion of Officers of the Engineer and Upper Subordinates. For Department of Public Works only. (Code Form No. 135.)

15th December
and 15th June.

of the half year. And timely calls should be made on Executive information necessary to enable the Central Office to complete the Yearly Return No. 2 with the least possible delay.

3rd.—The Chief Engineers should be held personally responsible for any neglect of these orders.

4th.—It is requested that Office-rent may not be entered in the Annual Returns submitted in future. These being Returns of Establishments only, such entries are incorrect.

CIRCULAR No. 1064.—*From LIEUT.-COLONEL H. YULE, Officiating Secretary to the Government of India, to E. C. BAYLEY, Esquire, Officiating Secretary to the Government of the North Western Provinces.*—Public Works Department.—*General Establishment.*—*Dated Fort William, the 22nd February 1859.*

In continuation of No. 6446 of the 21st December last, I am directed to request

ac, Military Rank and Corps. Department, Rank and date attaining it.

Deacon, Sergeant J., Artillery. Supervisor, 28th April 1858.
Durreant, Sergeant E., Suppers and Supervisor, 30th October 1857.
Miners.

Subordinates, and that care may be taken that the dates inserted in Returns are correct.

that, the additions indicated in the margin* may be made in the heading of the 1st and 2nd columns of the Form No. 3, Annual Report on the conduct of the Upper

No. 997.—*From MAJOR F. ATKINSON, Deputy Military Secretary to the Government of India, to the Secretary to Government, North Western Provinces.—Military Department.—Dated Fort William, the 23rd March 1859.*

With reference to your letter No. 363 A., of the 30th December 1858, I am desired to acquaint you, for the information of the Hon'ble the Lieutenant Governor, North Western Provinces, that His Excellency the Governor General in Council sanctions the transfer to the Civil Authorities of the Ferries at Sidhaura and Turnbull Gunge, as also of the Sultanpore Cantonment lands, on the understanding with regard to the latter, that if Sultanpore should be permanently occupied as a Military Station, the management of the Cantonment lands should revert to the Military Authorities.

2.—The enclosures received with your letter are herewith returned.

No. 700.—*From F. B. OUTRAM, Esquire, Officialing Under-Secretary to Government, North Western Provinces, to F. B. GUBBINS, Esquire, Commissioner of Benares Division.—Public Works Department.—Dated Allahabad, the 14th April 1859.*

I AM directed by the Hon'ble the Lieutenant Governor to forward copies of the letters marginally* noted, and to request that you will take the necessary steps for transferring the management of the Ferries at Sidhaura and Turnbull Gunge, as also the lands of the Sultanpore Cantonment to the Civil Authorities.

* Letter to Government of India, No. 363 A., of 30th December.

Reply, No. 997, dated 23rd March.

No. 2510.—*From LIEUT.-COLONEL H. YULE, Secretary to the Government of India, to the Secretary to the Government, North Western Provinces.—Public Works Department.—General Establishment.—Dated Fort William, the 21st April 1859.*

The letter of which a copy is enclosed (No. 3128 of 26th June 1857) was nearly two years ago addressed to the Governor General's Agent in Central India, but from the circumstances of the times, did not reach him till long afterwards, and has never been acted on.

2nd.—Many changes have occurred since this letter was issued, which induce the Governor General in Council to modify the intention then expressed.

3rd.—From the letter now addressed to the Agent, of which a copy is also enclosed, it will be seen that the Governor General in Council desires that the Gwalior Division Department of Public Works, should, for the present at all events, be administered by the Government of the North Western Provinces through the Chief Engineer, like any other division actually within the limits of the Provinces.

No. 3128.—*From COLONEL W. E. BAKER, Secretary to the Government of India, to the Acting Agent to the Governor General, Central India.—Public Works Department.—Military.—Dated Fort William, the 26th June 1857.*

THE administration of the Public Works Department in the Gwalior Division is at present anomalous. The Executive Engineer is professionally under the Chief Engineer of the North Western Provinces, but the latter Officer communicates direct on all subjects relating to Gwalior with the Government of India. There is consequently an absence of that local check on the operations of the Department which is elsewhere exercised by the head of the local Government. It has occurred to the Right Hon'ble

the Governor General in Council, that it would be a more convenient arrangement to invest you with the general powers of a Commissioner of a Province in respect to the Public Works operations in the Gwalior Territory, and to those Miscellaneous Engineering works appertaining to the Residencies, &c., in Central India, which are now under no definite contrl.

2nd.—Under such an arrangement, the Chief Engineer of the Saugor and Nerbudda Territories would most conveniently be selected as your professional adviser, and the accounts, estimates, &c., would be sent to him for preliminary check before being submitted for your opinion. From you all necessary references would be made to the Government of India.

3rd.—As regards the Annual Budget and Progress Report, and as regards the sanction of petty works, or emergencies, repairs, &c., you would be invested with powers similar to those given to a Commissioner of a Province such as Nagpore.

4th.—Before coming to a final decision on this subject, the Governor General in Council will however be glad to hear your opinion upon it, and I am to request that you will take the first convenient opportunity for expressing your views on the question.

No. 2509.—From MAJUT.-COLONEL H. YULE, *Secretary to the Government of India, to the Governor General's Agent, Central India.—Public Works Department.—General Establishment.*—Dated Fort William, the 21st April 1859.

I AM directed by the Governor General in Council to acknowledge your letter No. 64 of the 11th February.

2nd.—In doing so, His Excellency in Council directs me to observe, that since the issue of Colonel Baker's letter of 26th June 1857, great and various changes have taken place, which induce him to modify the intention then intimated.

3rd.—Mhow and the adjoining portions of the Agra and Bombay road have been transferred to the Bombay Department of Public Works. The Chief Engineer of the Saugor Territory is now severed from all connexion with Mhow, or Indore, whilst Gwalior, both from its geographical position and its departmental relations is in close connexion with the North Western Provinces.

4th.—It seems, therefore, to His Excellency in Council desirable, at least for the present, that the Gwalior Division of Public Works should be placed definitely under the Government of the North Western Provinces. The Honorable the Lieutenant Governor will be informed accordingly.

5th.—This will not of course affect the position of the Executive Engineer of the Agra and Bombay road in Scindia's Territories, who will, as heretofore, receive his instructions through you.

No. Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council.—Public Works Department.—Military Cantonments.—Dated Fort William, the 5th May 1859.

READ Extract from the Proceedings of Government, in the Military Department, No. 1129, dated 30th March 1859, forwarding letter from the Officiating Quarter Master General of the Army, No. 1032 A., dated 10th idem, relative to the repairs of roads and drains, in Cantonments.

OBSERVATIONS.—In September 1856, His Excellency the Governor General in Council sanctioned the employment experimentally, upon a fixed monthly allowance of an establishment for keeping in repair the cantonments, roads and drains in certain stations in these Provinces.

2nd.—The Punjaub Government forwarded, recently a revised estimate* for per-

	PER MENSEM.	manent sanction, and it appears
* Umballah,	200	that His Excellency the Comman-
Ferozepore,	200	der-in-Chief concurring altogether
Faalkote,	200	in the plan proposed, which has
Beshawur,	200	been tested and found to work well,
Jullundur,	150	and recommends the general adop-
Mooltan,	150	tion of the system.
Kawal Bindee,	150	3rd.—The Governor General in
Umritsur,	100	Council in sanctioning the forego-
Jhelum,	100	ing estimate remarked, that the
Nowshera,	100	
Meen Meer,	200	

charge cannot be properly termed Establishment. It is a fixed allowance for certain work to be done, for which it is convenient to take sanction in the form of a monthly payment rather than in the shape of an estimate for quantities of work to be executed. The Engineers should, nevertheless, account for the expenditure by a statement of work done, and the bills should be submitted at the end of the ear, with other documents that have to be revised in like manner.

RESOLUTION.—The Governor General in Council concurs in the suggestion by His Excellency the Commander-in-Chief, that the system introduced in the Punjaub should be extended to all the Military stations in the Bengal Presidency, and desires that steps should be taken to fix the amount of the monthly charge for each station as suggested by His Excellency the Commander-in-Chief.

ORDERED, that the foregoing be communicated to the Military Department, with a request that, the necessary orders be issued to convene Committees as suggested in the Quarter Master General's letter.

ORDERED also, that copies of the foregoing Extract of Proceedings be communicated to the Local Governments noted in the margin,* for information and guidance.

* Punjaub, Oude, Bengal, Pegu, North Western Provinces, Nagpore.

Public Works Department, Fort William, 5th May 1859.

Copy forwarded to the Government of the North Western Provinces, as above.

No. 8528.—From LIEUT.-COLONEL A. CUNNINGHAM, Chief Engineer, North Western Provinces, to E. C. BAXLEY, Esquire, Officialing Secretary to Government, North Western Provinces, Allahabad.—Dated Agra, the 26th March 1859.

I HAVE the honor to request, that you will be good enough to obtain the orders of Government on the following question:—

With reference to the present want of qualified subordinates in the Department Public Works, can men who pass the prescribed examination be appointed to the superior grades in the Upper Subordinate Establishment, or is it the intention of Government to adhere to the rule (new Code, page 15, paragraph 26,) which directs that no one will be admitted into the Department otherwise than by entering as a Probationary Assistant Overseer.

2nd.—A Mr. Law has applied for admission into the Department Public Works as a Supervisor, and hence this reference.

No. 717.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces, to Lieutenant Colonel H. YULE, Secretary to the Government of India.—Public Works Department.—Dated Allahabad, the 15th April 1859.*

I AM desired by the Honorable the Lieutenant Governor to forward for submission to the Right Hon'ble the Governor General in Council, the accompanying copy of a letter No. 8528, dated 26th ultimo, from the Chief Engineer, North Western Provinces, in which a question is raised as to the indispensability of candidates for admission to superior grades in the Department, first passing through that of Probationary Assistant Overseer.

No. 2883.—*From Lieut.-Colonel H. YULE, Secretary to the Government of India, to the Officiating Under-Secretary to Government, North Western Provinces.—Public Works Department.—General Establishment.—Dated Fort William, the 5th May 1859.*

IN reply to your letter No. 717, dated 15th ultimo, relative to a question raised as to the indispensability of candidates for admission to superior grades in the Department of Public Works; first, passing through that of Probationary Assistant Overseer, I am directed to state, that where the candidates are possessed of previous experience in Engineering work, and of such qualifications as justify their pretensions to a higher grade, they may be admitted as has been necessarily done in the case of subordinates sent out from England, who have taken rank at once as Sub-Engineers of the 2nd or 3rd Class; but in such cases the appointments should be temporary for 6 or 12 months, in order to test the candidate's real value, and caution should be exercised in making recommendations of this kind. Men who have never done any executive work, should not be admitted, except as Probationary Assistant Overseers.

No. 2446 of 1858-59.—*From CAPTAIN W. E. MORTON, Engineer, Officiating Superintendent General of Irrigation, to the Secretary to Government, North Western Provinces.—Dated Roowkee, the 24th February 1859.*

I HAVE the honor to submit, for the consideration of His Honor the Lieutenant Governor, a letter from the Superintendent Northern Division Ganges Canal, No. 166, of 22nd instant, recommending that the Zillahdars of the Canal Department should be placed on the same footing as regards pay and travelling allowance with 1st Class Sub-Overseers.

2nd.—Zillahdars are a class of servants peculiar to the Irrigation branch of the Department Public Works, and have not been entered on the classified list shown in page 2 of the New Code, although it has been subsequently ruled that they are to have honorary rank with Assistant Overseers. They receive a fixed salary of Rs. 50 without travelling allowance, and with no prospect of increase in their own line of duties. Their responsibilities involving large sums of money realized on account of Canal Revenue are fully as great as those of Sub-Overseers, and there is the same necessity in both cases of moving constantly from place to place. It is not surprising therefore that intelligent men prefer the better-paid appointments of 1st Class Sub-Overseers, who after 10 years' service are entitled to Rs. 60 per month, and who at all times receive a monthly travelling allowance of Rs. 15.

3rd.—I would beg to recommend, that Zillahdars without being graded in the Department may be permitted under the usual rules to draw single or double horse-allowance, and that deserving men after 10 years' service may receive an addition of Rs. 10 per month; this would place the prospects of this class on a par with those of Sub-Overseers, and render equally good men available for both situations.

No. 166 of 1858-59.—*From Major H. DRUMMOND, Superintendent, Northern Division Ganges Canal, to Captain W. E. MORTON, Officiating Superintendent General of Irrigation, North Western Provinces.—Dated Roorkee, the 22nd February 1859.*

I HAVE the honor to bring to your notice, that in Government Notification No. 117, dated the 17th June 1856, no provision appears to have been made for the Zillahdars of the Canal Department.

2nd.—If it is intended that they should be included among the Lower Subordinate Establishment, I would suggest that they should rank as Sub-Overseers of the 1st grade 1st Class with double horse allowance.

In this division there are 4 Sub-Overseers in the main Canal receiving Rs. 60 a month, while the Zillahdar receives Rs. 50. The rank of the latter is superior, and his duties not less important, and I beg therefore to recommend that his pay be increased to Rs. 60 a month, and that he be allowed travelling allowance at the rate of Rs. 15 a month, under paragraph 3, Section 3, Chapter XV. of the new Code. His charge extends over fifty miles of the main Canal, and about 100 miles of Rajbuhas. He actually keeps 2 horses, and cannot efficiently perform his duties without them.

No. 521.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces, to the Secretary to Government of India.—Public Works Department.—Dated Allahabad, the 30th March 1859.*

I AM directed by the Hon'ble the Lieutenant Governor to forward the accompanying copy of a letter No. 2146, dated 24 ultimo, with enclosures, from the Officiating Superintendent General of Irrigation, with the following observations:—

2nd.—Captain Morton's proposal appears to His Honor to be quite just and reasonable, although the honorary rank assigned to the Zillahdars is superior to what of a Sub-Overseer of the 1st Class, although his duties are no less onerous and responsible, his emoluments are smaller, and his prospects in the Department less encouraging. He receives no travelling allowance, notwithstanding that, from the extent of his charge and the nature of his duties, he must be constantly moving from place to place, and must keep one or more horses. He has no assurance, as has the Sub-Overseer of an increase to his salary after 10 years of approved service, and can expect no promotion in his own special line.

3rd.—The labors and responsibilities of the Zillahdars being at least equal with those of the Sub-Overseer of the 1st Class, it is just that his emoluments should be equal, and it is also expedient that the office should be put upon a better footing, in order that men should not be withheld from seeking it by reason of the greater attractions, which the appointments of Sub-Overseers hold out to them.

4th.—But as the proposal of the Superintendent General of Irrigation would, if acted upon, have the effect of altering in some measure the classification of the Lower Subordinate Establishment; and as it will necessitate a modification of the standing rules of the Department as well as increased expenditure, the Lieutenant Governor must refer the matter for the consideration of the Government of India, with his recommendation that the proposal be sanctioned.

No. 2751.—*From LIENT—COLONEL H. YULE, Secretary to the Government of India, to the Officiating Under-Secretary to Government, North Western Provinces.—Public Works Department.—General Department.—Dated Fort William, the 30th April 1859.*

I AM directed to acknowledge your letter No. 521, dated 30th ultimo, and in reply to inform you, that the Governor General in Council has consented that the Zillahdars

of the Canal Department, shall be placed on the same footing as regards pay and allowances, as the 1st Class of Sub-Overseers.

2nd.—But I am to remark, if the Sub-Overseers draw Rs. 15 a month travelling allowance, their doing so appears to be an error. Under the Code the allowance in question is granted, when no provision for their shelter has been made, but only half of the amount when shelter is provided. The Canal Chowkies, it is supposed, are available for the shelter of the Native as well as the European Establishment. An explanation in this point is requested.

No. 376 of 1859-60.—*From CAPTAIN W. E. MORTON, Engineers, Officiating Superintendent General of Irrigation, North Western Provinces, to Secretary to Government of the North Western Provinces. Dated Roorkie, the 7th June 1859.*

WITH reference to the remark contained in the 2nd paragraph of Colonel Yule's letter to your address, No. 2751, of the 30th April 1859, received with your docket No. 1219 of the 1st current, I have the honor to explain, that the rule limiting the travelling allowance of Sub-Overseers to Rs. 7-8-0 per mensem, when shelter is provided at the Government expense, is perfectly understood, and acted up to in this Department. In the cases of the Sub-Overseers of the 1st Sub-Division, Northern Division Ganges Canal, whose charges are of short lengths, no travelling allowance at all is given. The few who draw Rs. 15 per mensem, are almost exclusively out in Rajbaha lines, and are precluded from availing themselves of the Government Chowkies.

2nd.—In circulating the orders of Government respecting Zillahdars to the Superintendents of divisions, I have directed that:—

“Except when you can certify that Zillahdars or Sub-Overseers are wholly precluded from availing themselves of the shelter afforded by the Canal Chowkies, these Subordinates are only entitled to draw Rs. 7-8-0 per mensem as travelling allowance.”

And trust under this rule that the spirit of the Government orders will be fully acted up to.

No. 1836.—*From G. COUPER, Esquire, C. B., Secretary to the Government of the North Western Provinces, to Lieutenant Colonel H. YULE, Secretary to the Government of India, Public Works Department. Dated Allahabad, the 23rd June 1859.*

I AM directed by the Honorable the Lieutenant Governor to acknowledge the receipt of your letter No. 2751, dated 30th April last; in the second paragraph of which you remarked, that the granting of Rs. 15 a month travelling allowance to Sub-Overseers of the Canal Department, appeared to be an error; as under the Code the allowance in question is assigned in full, when no provision for their shelter has been made, and only half of it when shelter is provided, and you requested a report as to whether the Canal Chowkies were not available for the shelter of the Native as well as European Establishment.

2nd.—In reply, I am desired to forward, for the information of His Excellency the Governor General in Council, the accompanying copy of a letter No. 376, dated 7th instant, from the Officiating Superintendent General of Irrigation, explaining that the rule limiting the travelling allowance of Sub-Overseers to Rs. 7-8-0 per mensem, when shelter is provided at the Government expense, is perfectly understood, and is acted up to in his Department, and that in the cases of the Sub-Overseers of the 1st Sub-Division, Northern Division Ganges Canal, whose charges are of short lengths, no travelling allowance at all is given. The few who draw Rs. 15 per mensem, are almost exclusively out in Rajbaha lines, and are precluded from availing themselves of the Government Chowkies.

No. 208.

Extract from the Proceedings of His Excellency the Governor General in Council, in the Military Department, under date the 4th May 1859.

No. 536 A.—*From Lieutenant Colonel J. D. Macpherson, Officiating Quarter Master General of the Army, to Secretary to Government, Military Department.—Quarter Master General's Office, Head Quarters Camp Delhi. Dated the 8th April 1859.*

IN reply to your letter No. 659 of the 16th March, I am directed to say, that Lord Clyde considers the practice of burning fires in European Barracks [at the Hill Stations] at night, to be most objectionable, and it will accordingly be peremptorily forbidden, except in Hospitals where Medical Officers in charge will use their own discretion.

ORDER.

Ordered, that a copy of the foregoing be forwarded to the Public Works Department, in reply to docket from that Department, No. 1158, of the 2nd March 1859.

No. 3082.

Copy of the foregoing forwarded to the Government of the North Western Provinces, for information.

No. 1223.—*Notification.—Public Works Department. Dated Allahabad, the 2nd June 1859.*

THE following Circular, issued by the Government of India, in the Public Works Department, No. 2805, dated 4th instant, is published for general information :—

CIRCULAR No. 2805.—*From LIEUTENANT COLONEL H. YULE, Secretary to the Government of India, to E. C. BAYLEY, Esquire, Officiating Secretary to the Government of the North Western Provinces.—Public Works Department—(General Establishments). Dated Fort William, the 4th May 1859.*

By the Notification in the Public Works Department, No. 117, dated 17th June 1856, (Public Works Code, Chapter I, Paragraph 4) the Military allowances of Commissioned, Warrant, and Non-Commissioned Officers and of Soldiers employed in the Public Works Department, are chargeable to that Department, although both were drawn from the Military Pay Offices under the audit of the Military Auditor General.

2nd.—The Right Hon'ble the Governor General in Council is now pleased to direct, that the Military allowances of Officers and Soldiers employed in the Public Works Department, shall be drawn in the same bills with their Staff salaries subject to the audit of the Chief Engineers under whom they may be serving. The pay proper only will be drawn from the Military Pay Offices, under audit of the Military Auditor General.

3rd.—The operation of this order will commence with (and include) the Military allowances for May 1859.

4th.—This Regulation is applicable to the three Presidencies of India.

5th.—With reference to the above, orders will be issued in the Military Department for Certificates of the amount of Military allowances passed in the Pay Department up to 30th April, being issued to Officers of the Public Works Department.

6th.—Superintending and Executive Engineers should apply in proper time to the Pay Offices for their Certificates, if not received as soon as required. The Certificate should be attached to the salary bills for the Chief Engineer's audit.

7th.—The Military allowances and Staff salary of each individual should be drawn together thus!—

Executive Engineer.

Captain A. B., Staff salary,	500	0	0
Military allowances,	293	10	0
	<hr/>		
	793	10	0

Overseer.

* Sergeant C. D., Departmental salary,	85	0	0
Ditto, batta,	6	5	4
	<hr/>		
	91	5	4

No. 3114.—*From Lieutenant Colonel H. YULE, Secretary to the Government of India to the Secretary to the Government of Bombay.—Public Works Department.—(General). Dated Fort William, the 12th May 1859.*

In order to remedy the hitherto unsettled position of Rajpootana, as regards applications for sanctions to Public Works in that Territory, the Governor General in Council has been pleased to direct, that whilst the Public Works Department in Rajpootana continues (as it is likely to continue) to be conducted by Officers of the Bombay Establishment, all references &c., regarding the Department should be made to the Government of Bombay.

2nd.—I am to request, therefore, that the Right Honorable the Governor in Council will be good enough to dispose of such matters, as he would of similar matters within the proper limits of the Bombay Presidency.

CIRCULAR No. 3817.—*From Lieutenant Colonel H. YULE, Secretary to the Government of India, to the Secretary to the Government of the North Western Provinces.—Public Works Department.—(General Establishments). Dated Fort William, the 8th June 1859.*

I AM directed by the Governor General in Council to transmit, for information and future guidance, in supersession of all other orders in the subject, copy of a Resolution of this Government, in the Financial Department, dated 8th February 1856, granting all local Governments and Administrations, power to sanction changes in Establishments not involving an increase of expenditure subject to the orders of the Government of India, and on the understanding that, the changes will be reported in the same manner as at present.

No.—*Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Financial Department. Dated the 8th February, 1856.*

READ an endorsement from the Home Department, No. 139, dated the 24th ultimo, forwarding for consideration and orders, a letter from the Government of Fort Saint George, No. 10, of the 7th idem, recommending a re-distribution of the salaries of the Talook Sherishtadars of Barkoor and Honore, in the district of Canara.

RESOLUTION.

On the recommendation of the Government of Saint George, the Most Noble the

	<i>Present.</i>	<i>Now sanctioned.</i>
Talook Sheristadar of Barkoor, Rs. 55	50	50
Ditto of Honore, „ 50	55	55
	<hr/> Rs. 105	<hr/> 105

Governor General in Council is pleased to sanction the arrangements noted in the margin on the ground, that the duties of the Talook Sherishtadar of Honore are more onerous than those of any other Officer

of the same grade, in consequence of the Sub-Collector's Treasury being located at that place. The arrangement involves no increase of expenditure, and is to take effect from the 12th July last.

The Government of Fort Saint George also adverts to the inconvenience and delay caused by a reference to this Government of such cases as the one noticed above, and requests that, that Government may be authorized to sanction charges in Establishments not involving increased cost; a periodical return of all such changes being submitted for information, if required.

Though there does not appear to be any great objection to this proposal, His Lordship in Council thinks, it will be better to allow the local Governments to authorize such changes, subject to the orders of this Government, on the understanding that, the changes will be reported in the same manner as at present. While the inconvenience complained of will by this means be avoided, the check now exercised by this Government will be preserved.

CIRCULAR No. 4162.—*From* CAPTAIN A. FRASER, *Under-Secretary to the Government of India, to* G. E. W. COOPER, *Esquire, C. B., Secretary to the Government of the North Western Provinces.—Public Works Department.—(General—Accounts.) Dated Fort William, the 21st June 1859.*

It having been brought to notice, that in several instances Contractors have objected to the investment in Government securities of the Guarantee Fund, as laid down in the rules regarding contracts for works under supervision, (*vide* Chapter VIII. Section 4, Page 104, Rule XV., of the Public Works Code), the Right Honorable the Governor General in Council has been pleased to direct, that the rule be modified, making it optional with the Contractor to invest the Guarantee Fund in Government security or not, as he thinks proper, the money deposited being paid into the nearest Civil Treasury, instead of remaining in the hands of the Executive Engineer, who may not always have sufficient Guard.

No. 3828.—*From* CAPTAIN A. FRASER, *Under-Secretary to the Government of India, to the Secretary to Government of the Punjab.—Public Works Department.—(Ecclesiastical—Churches.) Dated Fort William, the 9th June 1859.*

I AM directed to acknowledge and reply to your letter No. 252-1155, dated 25th ultimo.

2nd.—As Church furniture is on quite a different footing from Barrack furniture, and is not even a charge on the Military Department, the Governor General in Council is of opinion that all Church furniture (in the widest sense of the term) authorized by Government, should be supplied and repaired by the Department of Public Works.

3rd.—The supply of such articles is subject to just the same rules, with regard to authority and competence, as other works; the powers of local Officers conceded in the Code, being applicable in the first instance to Chaplains, in the second to the superior Military Officers, if the Church is in a Cantonment, and to the Superior Civil Officers, if it is out of a Cantonment; the action of both being subject to the supervision of the Lieutenant Governor, as prescribed in the Code.

No. 1695.—*The 11th July 1859.*

THE Resolutions by the Hon'ble the Lieutenant Governor, dated 31st May 1855, and the Notification, No. 451 A., dated the 22nd March 1855, are hereby declared to be applicable to the undermentioned Canals, in the Deyrah Doon.

The Kutta Pattur Canal, taken off from the River Jumna.

The Kalunga Canal, taken off from the Song River.

The Jakhun Canal, taken off from the Jakhun River.

2.—Act VII. of 1845 is declared to be in force within the limits of the above mentioned Canals, from the 1st July 1859.

3.—Under the powers vested in the Lieutenant Governor of the North Western Provinces, by Section 8, of the aforesaid Act, the Superintendent of the above Canals, Mr. R. E. Forrest, is appointed to be Deputy Collector for the levy of Rates, Tolls and Dues, and Joint Magistrate for the enforcement of the penalties specified in Act VII. of 1845.

CIRCULAR No. 3998.—*From Captain A. FRASER, Secretary to the Government of India, to G. E. W. COUPER, Esquire, C. B., Secretary to the Government of the North Western Provinces.—(General Accounts.)*

IN continuation of this Office Circular, No. 5742, dated 28th October last, containing Rules regarding arrears of accounts, I am directed to intimate that His Excellency the Governor General in Council has been pleased to direct, that the authority now vested in Chief Engineers to sanction one month's advance of fixed salary of persons belonging to the Department of Public Works, shall be extended to Superintending Engineers, and shall include advances of one month's authorized travelling allowance.

2nd.—Executive Engineers are also authorized to pay on their personal responsibility in anticipation of audit, the arrears of authorized pay due to a discharged Servant.

CIRCULAR No. 4329.—*From H. YULE, Esquire, Secretary to the Government of India, to G. E. W. COUPER, Esquire, C. B., Secretary to the Government of the North Western Provinces.—Public Works Department.—(General—Miscellaneous.) Dated Fort William, the 28th June 1859.*

IT having been represented to the Supreme Government, that the strict enforcement of the Rule laid down in Chapter VIII., Section 4, Paragraph 10 of the Public Works Department Code, prohibiting advances to Contractors without adequate security, would be likely to impede the action of the Department, and interfere with the progress of petty works; the Governor General in Council has been pleased to permit, that in lieu of the present Clause "that no advance may be made without adequate security being taken from the Contractor" the following be substituted:—

"Any advance made, without adequate security (as explained below) will be on the personal responsibility of the Executive Engineers."

CIRCULAR No. 4453.—*From H. YULE, Esquire, Secretary to the Government of India, to G. E. W. COUPER, Esquire, C. B., Secretary to the Government of the North Western Provinces.—Public Works Department.—(Military.) Dated Fort William, the 2nd July 1859.*

It being deemed desirable that prompt reports of all important accidents to the buildings or works, &c., in the Civil and Military Stations of the Bengal Presidency, should be made to this Department for the information of His Excellency the Governor General in Council, I am directed to request you will issue the necessary instructions to the Chief Engineer to require the Executive Engineers under his orders to report any accidents that may occur in their respective charges, whether from fire, wind, or flood, or other cause, and which they deem of sufficient importance.

2nd.—The report should be transmitted to this Office direct, and immediately after the occurrence of the accident.

CIRCULAR.—*Public Works Department.—(General.)—Public Works. Dated Fort William, the 18th July 1859.*

With a view of preventing uncertainty respecting the instruments for which Executive Engineers will be permitted to indent, the Government of India publishes the following list of such Instruments, for guidance and information:—

- Arrows, Measuring Chain.
- Chain, Measuring 100.
- Compasses, Prismatic.
- Levelling Instruments, Mathematical drawing Instruments.
- Optical, Square.
- Perambulator, (Waugh's).
- Rods, Measuring.
- Rules, Parallel.
- Staves, Levelling.
- Scales, Gunter's.
- “ Paper, Holtzapffel's).
- “ Marquois.
- Tapes, Measuring.
- Theodolites.

CIRCULAR.—*Public Works Department.—General Establishments. Dated Fort William, the 23rd July 1859.*

THE Acting Commandant of Artillery at Meerut has recently brought to the notice of this Government, the great inconvenience that is caused by the sudden remand of Soldiers from the Department Public Works to the Regiment of Artillery, such remand in some cases not appearing in General Order for several months, and in the meanwhile no information relative to the individual cases being furnished to the Commandant by any Office or Department whatever, he is precluded from taking any notice of the remand.

2nd.—The Government of India directs, that in any case where, from special circumstances, it has been expedient, through Local Military Authority, to make over a Soldier attached to the Department to Military duty in anticipation of the Orders of Government on his case, a brief report of the circumstances should in every instance accompany the Soldier so made over.

No. 1354.—From T. D. FORSYTH, Esquire, Secretary to the Chief Commissioner, Oudh, to the Secretary to Government, North Western Provinces.—(Revenue). Dated Lucknow, the 11th July 1859.

FROM certain correspondence submitted by the Commissioner of the Lucknow Division, it appeared that formerly the Ghâts opposite the Cawnpore District, were under the management of the Cawnpore Authorities, who remitted half the amount to the Oonau Treasury. Instead of this arrangement, the Commissioner considered that it would be more convenient to have the Ghâts under one management, which formed the object of his reference.

2nd.—As the question was one which affected the Khyrabad and Fyzabad Divisions likewise, their Commissioners were requested to state the arrangements existing along the entire line of the river boundary within their respective jurisdictions.

3rd.—The former Officer in expressing his concurrence as to the management being on one side or the other, stated that there were six Ferries as per margin,* in the Hurdni District, the whole proceeds of which are consumed in the North Western Provinces, and suggested that a fair proportion of the Funds might be secured for the District in question.

4th.—The latter Officer brought to notice that there were 20 Ferries on the Ganges within the limits of the Partabgurh District in his Division, nine leased by the Deputy Commissioner, eight by the Magistrate of Allahabad, three by the Magistrate of Futtehpore. He at the same time stated, that after the 1st January next, all the Ferries should be leased by the Authorities of one side of the river only; half the proceeds to be paid to the Authorities of the other side.

5th.—Under these circumstances, the Chief Commissioner would propose, for the consideration of the Hon'ble the Lieutenant Governor, that all the Ferries thus situated, should be managed entirely by the Officers of the North Western Provinces, and the proceeds divided between the North Western Provinces and Oudh.

No. 1952.—From F. B. OUTRAM, Esquire, Officiating Under-Secretary to the Government of the North Western Provinces, to the Secretary to the Chief Commissioner, Oudh.—Public Works Department. Dated Allahabad, the 30th July 1859.

I AM directed to acknowledge the receipt of your letter No. 1354, dated 11th instant, proposing that all the Ferries between the North Western Provinces, and Oudh, should be managed entirely by the Officers of the North Western Provinces, and the proceeds divided between the two Governments.

2nd.—In reply I am to state, that the Lieutenant Governor has no objection to offer to the Chief Commissioner's suggestions; but considering that the whole of the trouble of management and collection will devolve upon the Officers of the North Western Provinces, he thinks that they ought to have Rs. 60 per cent. of the proceeds, the remaining Rs. 40 per cent. being made over to Oudh.

No. 1563.—*From Lieutenant J. F. MACANDREW, Officiating Secretary to Chief Commissioner, Oudh, to G. E. W. COUPER, Esquire, C. B., Secretary to the Government, North Western Provinces, Allahabad.—(Revenue). Dated Lucknow, the 3rd August 1859.*

With reference to the concluding portion of Paragraph 2 of your letter No. 1952, dated the 30th ultimo, I am directed to state that the Chief Commissioner entirely coincides in the opinion expressed by the Hon'ble the Lieutenant Governor, that in consideration of the trouble of management and collection of the Ferry Funds devolving on the Officers of the North Western Provinces, Rs. 60 per cent. of the proceeds, should be assigned to them, and Rs. 40 per cent. to those of this Province.

NOS. 2250, 2251 AND 2252.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to the Government of the North Western Provinces, to the Commissioners of Allahabad, Agra* and Goruckpore.† Dated Allahabad, the 22nd August 1859.*

I AM directed by the Honorable the Lieutenant Governor to forward for your in-

From Secretary to Chief Commissioner, Oudh, No. 1354, dated 11th July 1859, to Secretary to Chief Commissioner, Oudh, No. 1952, dated 30th July 1859.

* Of Furruckabad.

† Of Goruckpore.

* On the Ganges between his district.

† On the Gogra between his district.

* His.

† His.

formation, the accompanying copies of the correspondence noted in the margin, and request you to direct the Magistrate of *Cawnpore, Allahabad and Fettehpore*, to take steps for bringing all Public Ferries on the Ganges between their respective Districts, and the Province of Oudh, under their management from the 1st January 1860, and to note that Rs. 60 per cent. of the proceeds will be credited to the Ferry Fund of the North Western Pro-

vinces, and Rs. 40 per cent. to that of Oudh.

2nd.—The amounts of collections from such shared Ferries should be kept distinct from those of other Ferries, the entire proceeds of which belong to the North Western Provinces, and in the Settlement Reports submitted to you, the former should be discriminated in order that the Accountant may divide the proceeds between the North Western Provinces and Oudh, in the preparations indicated.

PUBLIC WORKS DEPARTMENT.

No. 2261.—*The 22nd August 1859.*—Under the powers vested in the Lieutenant Go-

XVI. Injury to the bridges and masonry will render the owners of rafts liable to charge for the repair. But if the injury be wilful or wanton, the offender will be further punishable under Section V. of the Act.

vernor of the North Western Provinces, by Section 2, Act VII. of 1845, it is hereby declared that Rule XVI. of the Regulations for the Western and Eastern Jumna Canals, notified by this Government, on the

31st May 1845, and extended by Notification No. 219 A., dated 30th January 1855, to the Ganges Canal, is applicable equally to injury done by *boats* as to injury caused by *rafts* to the bridges and masonry works on the Canal.

No. 2354.—*The 29th August 1859.*—The Ferries on the Burnia River at Koonia Poorana Pool and Nukkee Ghât, close to the city of Bēnāres, are hereby declared public, under the provisions of Clause 2, Section 3, Regulation VI. of 1819, and the Magistrate is authorized to take measures for bringing them under his management, at such time as he may think proper.

No. 870 A.—*From Lieutenant Colonel A. CUNNINGHAM, Chief Engineer, North Western Provinces, to G. E. W. COOPER, Esquire, C. B., Secretary to the Government of the North Western Provinces, Allahabad.—Department of Accounts. Dated Agra, the 12th July 1859.*

With reference to the concluding Clause of Paragraph 4, Section 2, Chapter XV., Page 173, of the Code for the Public Works Department, which precludes an Assistant or Subordinate, officiating as an Executive, from drawing more than he would do if permanently appointed an Executive Engineer of the 4th Class, I have the honor of requesting, I may be informed whether the Rule is applicable to "Special Assistants" (who are equal to Executive Engineers of the 4th Class) when Officiating for Executive Engineers of a higher Class.

2nd.—The case under consideration is that of Captain Dansey, Special Assistant Engineer, who officiated as Executive Engineer of the Gwalior Division, during the absence of Major Maxwell, an Executive Engineer of the 1st Class, on sick leave.

No. 2028.—*From F. B. OUTRAM, Esquire, Officiating Under-Secretary to the Government of the North Western Provinces, to the Secretary to the Government of India, in the Public Works Department. Dated Allahabad, the 5th August 1859.*

I AM directed to forward, for the consideration of His Excellency the Governor General in Council, the accompanying copy of a letter No. 870 A., dated 12th July 1859, from the Chief Engineer, North Western Provinces, wherein a question is raised, with reference more particularly to the case of Captain Dansey, when he officiated for the Executive Engineer of the Gwalior Division, as to whether the concluding Clause of Paragraph 4, Section 2, Chapter XV. of the Code is to be considered applicable to Special Assistants.

No 6061.—*From CAPTAIN A. FRASER, Under-Secretary to the Government of India, to F. B. OUTRAM, Esquire, Officiating Under-Secretary to Government, North Western Provinces.—Public Works Department.—(General Establishments). Dated Fort William, the 30th August 1859.*

In reply to your letter No. 2028, dated the 5th instant, I am directed to inform you, that Section 2, Paragraph 4, Chapter XV. of the Code, applies to all Assistants.

Fort William, Home Department, Legislative, the 4th July 1851.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 4th July 1851, with the assent of the Most Noble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT NO. VIII. OF 1851.

An Act for enabling Government to levy Tolls on public Roads and Bridges.

Whereas it is expedient to enable Government to levy Tolls upon Roads and Bridges, it is enacted as follows:—

1. Acts II. 1837, and VIII. 1833, are repealed, but not so as to revive any Regulation or Act thereby repealed.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, not exceeding the rates mentioned in the Schedule annexed to this Act, as they respectively think fit to be levied upon any Road or Bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the Land Revenue.

III. In case of non-payment of any such Toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll: and, if any Toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure, and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property: and the said Officer on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody; but no other exemption from payment of the Tolls levied under this Act shall be allowed.

V. All Police Officers shall be bound to assist Toll Collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common Police duties.

VI. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other, or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two-hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the Zillah.

VII. A Table of the Tolls authorized to be taken at any Toll-gate or station, shall be put up in a conspicuous place near such gate or station, legibly written or printed in English words and figures, and also in those of the Vernacular language of the District to which shall be annexed written or printed in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

VIII. The Tolls levied under this Act, shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of Roads and Bridges, within the presidency in which they are levied.

No. 2840.

The 26th September 1859.

Notice is hereby given, that from and after the 1st of October next, Tolls will be levied according to the terms of Government Notification, No. 15 A., dated 25th

January 1856, and at the rate specified in the Schedule thereto subjoined, at the following places, upon the Grand Trunk Road, and its branches in these Provinces:—

<i>District.</i>	<i>Position of Toll Bar.</i>
Cawnpore, ---	Sheorajpore.
Furruckabad and Cawnpore branch,	Khodagunge bridge.
Furruckabad, ---	Nubbeegunge.
Agra and Mynpoory branch,	Nonehai.
Allygurh and Agra branch,	Rambagh.
Boolundshuhur, ---	Wulleepore.
Allygurh, ---	Nanow.
Between Khoorja and Delhie,	and the Check bars of
Jusrutpoor, Boolundshuhur and Manum.	

The Notification, No. 15 A., and the Schedule attached, are subjoined for general information, and more convenient reference.

No. 15 A.

The 25th January 1856.

Notice is hereby given, that the Notification, No. 1209 A., of the 25th October 1854, will cease to have effect from the 1st March next, and that on and from that date, Tolls will be levied under the provisions of Act VIII. of 1851, according to the subjoined Schedule, at the following places, upon the Grand Trunk Road, and its branches in these Provinces:—

<i>District.</i>	<i>Position of Toll Bar.</i>
Benares, ...	Raja ka Talao.
Allahabad, ...	Byragee ka Nulla.
Ditto, ...	Lohunga.
Cawnpore, ...	Sheorajpore.
Furruckabad, ...	Khodagunge bridge, Futtehgurh and Cawnpore branch.
Ditto, ...	Nubbeegunge.
Ditto, ...	Muddunpoor, Futtehgurh and Mynpoory branch.
Agra, ...	Nonehai, Mynpoory and Agra branch.
Ditto, ...	Rambagh, Allygurh and Agra branch.
Allygurh, ...	Nanow Canal bridge.
Ditto, ...	Jusrutpoor, ditto. Check bar to Nanow gate.
Boolundshuhur, ...	Wulleepore Canal bridge.
Ditto, ... Boolundshuhur,	Canal bridges.
Ditto, ... Manum,	Check bars to the Wulleepore gate.
Delhie, ...	Suleempoor Canal bridge.
Panceput, ...	Gounda Canal bridge.

From the 1st of March 1856, Tolls will cease to be levied at the Shahdura, Hattras and Hindun bridge stations.

Tickets will be given upon payment of Toll at the undermentioned gates, which will exempt the holders from payment at the gates specified during the day following, that within which the tickets may be delivered.

Each day will be reckoned to commence at midnight.

Raja ka Talao clears Byragee ka Nulla.
 Byragee ka Nulla clears Raja ka Talao.
 Khodagunge clears Muddunpoor and Nubbeegunge.
 Muddunpoor clears Khodagunge and Nubbeegunge.
 Nubbeegunge clears Muddunpoor and Khodagunge.
 Wulleepoor clears Boolundshuhur and Manum.
 Boolundshuhur clears Wulleepoor and Manum.
 Manum clears Wulleepoor and Boolundshuhur.

Schedule of Tolls to be levied under Act VIII. of 1851.

TOTAL.

Specification of Vehicle or Animal.	Laden or with Passenger.		Unladen or without Passenger.	
On every four-wheeled Carriage, on springs, with three or more horses, and one or more Passengers,	0	0	1	0 0
Ditto ditto, with two horses, ...	0	0	0	8 0
Ditto ditto, with one horse, ...	8	0	0	4 0
On every two-wheeled Carriage, or springs,	8	0	0	4 0
On every four or two-wheeled Carriage, without springs, as ruths, bylees or ekkas, ...	0	4	0	0 2 0
On every cart or hackery not on springs, and drawn by bullocks, not being ruth, bylee, or ekka,	2	0	0	2 0
Elephant, ...	0	0	1	0 0
Buffaloes or Bullocks, per head, ...	0	4	0	0 2
Bullocks or Buffaloes, above 12, per score, ...	4	0	0	2 0
Camels, single, ...	1	6		
Ditto in strings of more than 10, and less than 20, per string,	0	0	0	8 0
Ditto, and for every additional score, ...	12	0	0	6 0
On every horse, ...	1	0	0	0 6
On every poney or tattoo, ...	0	6	0	0 3
On every mule or ass, ...	0	2	0	0 1
On every palanquin or dooley, with four or more bearers,	8	0	0	8 0
Ditto, with less than four bearers, ...	2	0	0	2 0

CIRCULAR No.- *Public Works Department.—Military Contingencies. Dated Fort William, the 27th September 1859.*

HIS Excellency the Right Hon'ble the Governor General in Council is pleased to direct, that when two or more Officers are quartered in one department, the rent to be charged to each will be reduced proportionately, so that the aggregate payments of all the Officers quartered together shall not exceed the ordinary full rent of the quarters.

Extract from the Proceedings of the Right Hon'ble the Governor General in Council.—Public Works Department.—(Military—Contingencies). Dated Fort William, the 10th October 1859.

READ Extract from the proceedings of the Government of India, in the Military Department, No. 741, dated 19th September, regarding the provision of Quarters for Barrack Serjeants.

Ordered, that the above extract be forwarded to the local Governments and Administrations for information and guidance.

No. 741.—*Extract from the Proceedings of His Excellency the Governor General in Council, in the Military Department, under date the 19th September 1859.*

No. 733 B.—*From COLONEL A. BECHER, Quarter Master General of the Army, to the Secretary to the Government of India, Military Department, Calcutta. Dated Quarter Master General's office, Head Quarters Simla, the 27th August 1859.*

IN compliance with the request contained in your letter No. 331 of 8th instant, I have the honor to acquaint you for the information of His Excellency the Governor General in Council, that in the Commander-in-Chief's opinion, Barrack Serjeants should be allowed quarters, if available, and if not, house-rent according to the Rule laid down in paragraph 38, Section 20, Pay and Audit Regulations, 1849, viz., at Rs. 20 per-mensem.

2nd.—The Quarters provided should be similar to those allowed to Regimental Serjeants, single or married, according to circumstances.

CIRCULAR No. 7254.—*From A. FRASER, Captain, Under-Secretary to the Government of India, to the Secretary to Government, North Western Provinces.—Public Works Department. Dated Fort William, the 19th October 1859.*

I AM directed to annex forms of a Service Roll, which are required to be filled up by all the Military Officers of the Public Works Department, under the Government of the North Western Provinces.

2nd.—To save time, each Officer will transmit the statement, after filling it up, direct to this office. Special orders should be issued that no delay takes place in such transmission.

3rd.—Should an Officer, owing to his not having the means of reference to records &c., find difficulty in filling up the Return, he will, on that account, not delay, but fill it up as far as he is able, and return it at once to this office.

4th.—A sufficient number of Forms is herewith enclosed for distribution to each Public Works Officer, under the control of the Government of the North Western Provinces.

DUPLICATE.

*Statement of the Service of**Date*

1. Rank, Name, and Corps.	2. Date of joining the Service Ap- pointment Leave, (with orders quot- ed.)	3. Regimental Duty Leave, Department to which ap- pointed.	4. Period of Service in each year, and twelfths of years.	5. REMARKS.

NOTE.—If the Officer has no means of referring to records, he will fill up the above Form as far as he is able, and return it at once direct to the Secretary to Government of India, Public Works Department, Calcutta.

No. 3440.—*Public Works Department. Dated the 16th November 1859.*

THE following notice and list of Officers, exempted from paying Toll at the several Toll Bars and Bridges, in the North Western Provinces, are published for general information :—

General Orders by the Commander-in-Chief, dated 15th March 1855.

At the request of the Hon'ble the Lieutenant Governor, North Western Provinces, and in view to obviate misapprehension on the part of Officers and other Military persons, as to their right of exemption from Tolls, His Excellency the Commander-in-Chief is pleased to direct the attention of all concerned to the terms of Act VIII. of 1851, regulating the levy of Tolls upon Roads and Bridges, and especially to the 4th Section of this Act, which grants an exemption from such Tolls in the cases only of the passage of troops and military stores and equipages on their march, or of Police Officers on duty, or of any persons of property in their custody.

General Orders by the Right Hon'ble the Governor General in Council, No. 145, dated 21st August 1857.

It is hereby notified for general information, that under Clause IV. of Act VIII. of 1851, the only exemptions from the payment of Tolls are made in favor of troops and military stores and equipages on their march, and of Police Officers on duty, or of persons or property in their custody.

2nd.—All Government Officials, not thus exempted from the payment of Tolls, are therefore required to pay the authorized Tolls on all occasions, when passing through any Toll gate, unless they have received a personal exemption under the direct orders of the local Government, or of some Officer, duly invested with the power of granting such exemptions.

3rd.—Officials not exempt from payment of Tolls, either under the Act or the special authority of the local Government, when travelling on duty, will, notwithstanding, be expected to pay all the usual Tolls in cash, and such payments may be adjusted in their personal or departmental contingent bills, when sufficient authority exists, for the charge being debited to Government.

List of exemptions from payment of Toll at the several Toll Bars and Bridges, on the Grand Trunk Road, in the North Western Provinces.

Troops, Military stores and equipages on their march.	} In all cases.
Police Officers on duty, and Sowars with persons or property under their charge.	
Mail Carts and the Horses on return with their Syces.	
Parcel Vans, belonging to the Postal Department.	
Villages or cultivators, in the neighbourhood of Toll bars, when granted exemption tickets.	
Princes or independent Rajahs or Chiefs, on an order from the Political Agent, through the Executive Engineer.	
Stud and Commissariat Cattle, when accompanied by a certificate from a Stud or Commissariat Officer, that the Cattle are <i>bond fide</i> the property of Government.	

Educational Officers when on duty, and their Assistants or Inspectors. The native Inspectors or Assistants should receive certificates from the Director of Public Instruction, to show that they belong to the Educational Department.

The Governor General's Camp.	}	In all cases.
The Commander-in-Chief's Camp.		
The Lieutenant Governor's Camp.		
The Chief Engineer of the North Western Provinces.	}	When on duty within their respective Circles and Divisions.
The Superintending Engineers of the North Western Provinces.		
The Executive Engineers in the North Western Provinces.		
Road establishments, within their own districts.	}	On certificates or tickets granted by their superior Officers.
Canal establishments, when the road is over the Canal.		
Commissioners and Magistrates.	}	While travelling within their own Divisions and districts respectively.
Inspector General of Prisons, North Western Provinces.		

No. 144 A.—*Camp Fultchgurh, the 9th December 1859.*

It is hereby notified, for general information, that Tolls, on the following scale, will be levied on foot passengers, crossing rivers by means of either Bridges or Boats, or Ferries, kept up by the Public Works Department.

	<i>On Rivers, Class 1st.</i>		<i>On Rivers, Class 2nd.</i>		<i>On Rivers, Class 3rd.</i>
	Boats during twelve months, or from 15th October to 15th June.	Bridges or boats from 16th June to 14th October.	Boats from 15th October to 15th June.	Bridges during twelve months, or boats from 16th June to 14th October.	Whether by boats or bridges.
Foot passengers, laden or unladen.	2 pie.	3 pie	1 pie.	2 pie.	1 pie.

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CIRCULAR ORDERS

OF THE

SUDDER DEWANNY ADAWLUT,

. NORTH WESTERN PROVINCES,

FOR 1859.

CIRCULAR No. 5.—*To the Civil and Criminal Authorities, in the North Western Provinces, Sangor and Nerbudda Territories, Jhansie and Kumaon.—Dated Agra, the 23rd February 1859.*

THE Court are pleased to publish for general information, the accompanying copies of a letter, No. 294, dated the 18th instant, from the Under-Secretary to Government, North Western Provinces, and of its enclosures as per margin,* on the subject of the operation of Act XXXIII. of 1854, in respect to the time at which, and the language in which, judicial decisions are to be recorded.

* From Under-Secretary to the Government of India, Home Department, No. 128, dated 17th January 1859.

Extract paragraphs 8 and 10 of a Despatch, No. 14, dated 30th November 1858, from the Right Hon'ble the Secretary of State for India.

(COPIES.)

No. 294.—*From C. J. DANIELL, Esquire, Under-Secretary to the Government of the North Western Provinces, to H. W. DASHWOOD, Esquire, Register Sudder Nizamut Adawlut, North Western Provinces, Agra, Judicial (Criminal) Department.—Dated Allahabad the 18th February 1859.*

I AM directed by the Hon'ble the Lieutenant Governor, to forward copy of a letter from Under-Secretary to the Government of India, Home Department, No. 128, dated 17th ultimo, with its enclosure, regarding the operations of Act XXXIII. of 1854, for the information of the Sudder Court, and for circulation.

No. 128 of 1859.—*From R. B. CHAPMAN, Esquire, Under-Secretary to the Government of India, to the Secretary to the Government, North Western Provinces, Home Department (Judicial).—Dated Fort William, the 17th January 1859.*

IN continuation of letter No. 1290, dated the 24th August 1858, I am directed to transmit for information, the accompanying Extract, paras. 8 and 10, of a Despatch, No. 14, of the 30th November 1858, from the Right Hon'ble the Secretary of State for India, on the subject of the operation of Act XXXIII. of 1854, relative to the time at which, and the language in which, judicial decisions are to be recorded.

CIRCULAR ORDERS OF THE

Letter dated 26th August 1858.—Extract Paras. 8, 9, and 10, from a Despatch from the Right Hon'ble the Secretary of State for India, in the Judicial Department, No. 14 of 1858, dated the 30th November.

8th.—THE apprehensions expressed in Para. 18 of the Legislative Despatch of the Court of Directors, dated 10th December, (2) 1856, that the provisions of this Act would be “found greatly to impede the due despatch of business in the several Civil and Criminal Courts to the great inconvenience of the people,” appear happily to have been unfounded, as in reply to your reference on the subject, the local Governments and the subordinate authorities were almost unanimous in reporting, that the Act has worked most beneficially, and has given the highest satisfaction to the deciding Officers and to the public. I agree with you, therefore, in opinion, that under these circumstances, the law ought not to be altered.

9th.—In receiving the reports, however, you properly pointed out to the Local Government that the Act requires its provisions to be observed at such time only as Officers may be acting “judicially,” and in answer to objections raised by certain of the Officers, that delay was caused by the Act rendering it obligatory that all decisions should be written in open Court, you explained that by an express provision in the Act such a course was not necessary, and that the law only enjoins that the signature of the Officer should be attached to the decision at the time of the same being pronounced.

10th.—The instructions you have issued on these points, as well as your having called attention to the adoption of measures for securing uniformity of procedure whereby all needless delay may be avoided, will doubtless tend to the still more satisfactory working of the Act.

(True Extract.)

(Signed) R. B. CHAPMAN,

Under-Secretary to the Government of India.

(True Copies.)

(Signed) C. J. DANIELL,

Under-Secretary to Government, N. W. P.

(True Copies)

H. W. DASHWOOD,

Register.

CIRCULAR NO. 4 OF 1859.—*To the Civil and Sessions Judges in the North Western Provinces, Saugor and Verbudda Territories, Commissioners of Jhansie and Kumaon.—Dated Agra, the 23rd February 1859.*

UNDER instructions from the Government, I am directed by the Court to forward to you, for your own guidance and that of your subordinates, as shewing the principal upon which you should be guided on the subject of the employment of Native Christians in the Public Service, the accompanying copy of a communication from the Under-Secretary to Government of India, Home Department, No. 113, dated the 15th ultimo, together with its enclosed Despatch from the Secretary of State.

No. 113.—*From R. B. CHAPMAN, Esquire, Under-Secretary to the Government of India, to Secretary to Government, North Western Provinces, Home Department.—Dated Fort William, the 15th January 1859.*

I AM directed to transmit, for the information and guidance of the Government of the North Western Provinces, the accompanying copy of Despatch, No. 36, dated 30th

November 1858, from the Right Hon'ble the Secretary of State for India, together with a copy of the abstract of replies of Public Officers in Bengal, therein referred to on the subject of the employment of Native Christians on the Public Service.

No. 36.—*From the RIGHT HON'BLE LORD STANLEY, Secretary of State for India, to the RIGHT HON'BLE VISCOUNT CANNING, Governor General of India in Council.—*
Dated London, the 30th November 1858.

Para. 1. In your letter, dated the 14th August (No. 100) 1858, you report that in “order to test the accuracy of an opinion, which the Lieutenant Governor of Bengal believed to be gaining ground both in England and in India, to the effect that Native Christians were excluded from employment in the Public Service in this country, as such, and because they were Christians, with reference to their fitness”. Mr. Halliday had called on the principal Officers employed under his jurisdiction, for a report as to “the employment of Native Christians in the Public Service, or their exclusion from it.” And you forward an abstract of the replies made to this reference, a copy of which you caused to be placed on the Editor's table at Calcutta, with a view to its obtaining the publicity desired by the Lieutenant Governor.

2nd.—It is evident, from the replies made to the enquiries of the Lieutenant Governor, that no grounds exist for the impression, which it was the object of Mr. Halliday to remove, and that the true explanation of the comparatively small number of that class who are engaged in the Public Service, is to be found in their small number in respect to the rest of the population, their generally low standard of qualification, and their preference either for trade or agriculture, or in the case of those better educated for employment in connexion with Missionary operations.

3rd.—This result of the enquiries of the Lieutenant Governor is such, as I should have been prepared to expect, and is quite satisfactory. As far as can be judged from the replies of the different Officers, the principal on which they have acted is, that the applicant best qualified for the vacant situation should be appointed whatever might be his creed. This is the correct principal which ought to guide Public Officers in the selection of individuals for subordinate employment, and it is accordingly unnecessary to issue any fresh orders for the guidance of the Public Officers in the Bengal Presidency in this matter.

4th.—It is proper, however, that any misapprehension which may exist on this subject among persons unconnected with the Public Service, should be corrected; and I trust that this object will have been sufficiently attained by your having caused the abstract of replies to be thrown open to the conductors of the Public Press.

5th.—I have no reason to think that there has been any exclusion of Christians as such, from the Public Service, in any of the other Presidencies. It will nevertheless be proper to communicate to the several subordinate Governments, the result of the enquiries made in Bengal, and the approval, which the general principle there acted on, has received from me in Council.

(Signed) STANLEY,
Secretary of State for India.

(True Copy.)

(Signed) R. B. CHAPMAN,

Under-Secretary to the Government of India.

(True Copies.)

(Signed) H. W. DASHWOOD,

Register.

(COPY.)

CIRCULAR No. 7.—From H. W. DASHWOOD, *Esquire, Register, to the Civil Judges in the North Western Provinces, and Commissioner of Kunnon.*—Dated *Agra, the 13th May 1859.*

I AM directed to transmit for your information, Extract paragraph 6 and 7, from the Court's reports on the administration of Civil Justice in these Provinces for the years 1856 and 1858, and to request that, in your report on the operations of the current year, and in all future annual reports you will refer to the number of suits decided on confession of judgment, and will call for the opinions of your subordinate Native Judges, and record your own, as to such confessions being generally *bonâ fide* or the reverse.

Extract Paragraph 6, from the Courts report on the administration of Civil Justice in these provinces, for the year 1856.

Para. 6.—The following Tabular Statement exhibits the proportion of suits disposed of "*ex parte*" and on confession of Judgment to those decided on the evidence in the presence of both parties in the Courts of the Sudder Ameens and Moonsiffs in the past two years:—

		1855.	1856.	Increase.	Decrease.
Sudder Moonsiffs.	{ On the evidence in the presence of both parties, ...	20,409	19,880	0	952
	{ <i>Ex parte</i> , ...	9,957	11,647	1,690	0
	{ Confession of judgment, ...	17,884	1,981	1,977	0
	{ On the evidence in the presence of both parties, ...	1,614	1,252	0	362
	{ <i>Ex parte</i> , ...	430	471	41	0
	{ Confession of judgment, ...	554	479	0	75

Showing a decrease in the number of decisions under the first head, and an increase in the number of cases disposed of *ex parte* in the Courts of the Moonsiffs and Sudder Ameens, and of decisions on confession of judgment in the Courts of the Moonsiffs.

As noticed by the Hon'ble the Lieutenant Governor in paragraph 8 of the orders passed on the annual returns for 1855, the frequency of confessions is undoubtedly a very remarkable feature in the working of the Judicial system of our regular Courts.

During the past year the Court issued a Circular, laying down rules for the correct insertion in the Annual and Quarterly Statements of cases of this nature; and they believe that the returns now before them may be relied upon as correct. The Court have continued to give their attention to the subject of the large number of "*ex parte*" decisions, and of decisions on confession of judgment; and while few, if any complaint have been made to them, in cases falling under the former head, from which it may fairly be inferred that, the failure of the defendants to enter an appearance is in the great majority of cases wilful, the result of another year's experience has tended to confirm the belief which they formerly expressed, and which they find to be shared in by many of the oldest and most experienced Judicial Officers in these provinces; that the confessions are generally of a *bonâ fide* character. No doubt cases of gross fraud do occasionally occur; but the Court think that they may be looked upon as exceptions, not as the rule, and, as noticed in their resolutions on some of the zillah returns, they trust that suits of this description will receive a material check from the introduction of the stringent provisions contained in the new Penal Code "for the punishment of fraudulent claims to property to prevent its seizure as a forfeiture, or in execution of a decree, as well as to deter persons from, and to punish them for fraudulently suing for a sum not due. (*Vide* Articles 17 and 18; Chapter XI.)

Extract Paragraph 7, from the Court's Report on the administration of Civil Justice in these Provinces, from the year 1858.

Para. 7.—The following Tabular Statement exhibits the proportion of suits disposed of *ex parte*, and on confession of judgment to those decided on the evidence in the presence of the parties in the Courts of the Sudder Amceens and Moonsiffs in the past year:—

Sudder Moon- Amceens. Siffs.	{	On the evidence in presence of the parties,	...	...	...	...	...	1858.
		<i>Ex parte</i>,	...	...	...	...	...	7,904
	{	Confession of judgment,	...	...	...	...	...	5,572
			...	...	...	...	...	10,231
	{	On the evidence in presence of parties,	...	...	...	...	...	526
		<i>Ex parte</i>,	...	...	...	...	...	331
	{	Confession of judgment,	...	...	...	...	...	384

The frequency of confessions has always been a conspicuous feature in the working of the Judicial system of our Regular Courts. In their report on the operations of the year 1856, the Court, as then constituted, expressed their belief, that confessions were generally of a *bona fide* character. This opinion they shared with several of the most experienced of the Judicial Officers subordinate to them, and the Court, as now constituted, have had no reason, so far as their own experience goes, to form a different conclusion on this point. These confessions, it will be observed, are most numerous in petty actions for debt. The Court propose to issue a Circular, directing the Zillah Judges to refer in their Yearly Reports to the number of confessions of judgment, and to call for the opinions of their native subordinate Judges, and record their own as to confessions being generally *bona fide*, or the reverse.

CIRCULAR No. 8.—From H. W. DASHWOOD, Esquire, Register, to the Judges in the North Western Provinces, and Commissioner of Kumaon.—Dated Agra, the 26th May 1859.

I AM directed to transmit to you for information and guidance, copy of a letter, dated 7th instant, from the Advocate General, to the address of the Officiating Under-Secretary to the Government, North Western Provinces, in the question of the validity of the assumption by a person in trade, whether man or woman, of a name formerly used by him or her in business, as the name of the firm in which that business is carried on, notwithstanding any change that may have taken place in his or her name.

(COPY.)

From W. RITCHIE, Esquire, Advocate General, to F. B. OUTRAM, Esquire, Officiating Under-Secretary to the Government of the North Western Provinces.—Dated Calcutta, the 7th May 1859.

I HAVE the honor to acknowledge the receipt of your letter No. 869, dated the 7th ultimo, (which was erroneously addressed to Simla, and which has been forwarded to me by the Judge Advocate General, to whom it was delivered there) and to state in reply, that I am of opinion that the signature of Mrs. McEvoy as "M. A. Ludlam" is under the circumstances stated, as valid and effectual as the signature of that lady under her present name of M. A. McEvoy would be.

2nd.—There is no legal objection to the assumption by a person in trade, whether man or woman, of a name formerly used by him or her in business, as the name of the firm in which that business is carried on, notwithstanding any change that may have taken place in his or her name, provided there is no fraud in the use of such former name. Nor is there any legal necessity for adding the words "and Company" or "and Co.," or similar words to a proper name in order to entitle a person in trade to use such former name, as a trade name in his or her business, and a trading firm need not consist of more than one person.

Thus it is clear, if this person had originally established herself in business as Mrs. M. A. Ludlam, being then a widow, and rightfully bearing that name, and if she had subsequently married again, and her second husband had died, she might, with perfect legality, have resumed business in the name of M. A. Ludlam, whatever name she might have acquired by her second marriage.

3rd.—The circumstance that her second husband is still living, and that she, for ordinary purposes unconnected with her trade, is called Mrs. McEvoy, can make no difference in this respect. If entitled to trade at all, she is as much entitled to use her former trade name of M. A. Ludlam, as her present name of M. A. McEvoy; provided the former name be not assumed for purposes of fraud or deception, which there seems no ground for imputing in the present instance.

4th.—The question of the name under which Mrs. McEvoy is authorized to trade, is quite distinct from the question, whether she is entitled to trade at all on her own account and independently of her husband, or what security the public has in dealing with her in trade. In many cases there is great practical difficulty as to this, where a married woman, being a European British Subject, carries on business apart from and without the knowledge or consent of her husband, she is not herself personally liable for any debts she may contract, except to the extent of property settled to her separate use; and unless her husband can be shown to have authorized or adopted her acts in trading, he cannot be held liable. But where, as appears to be the case here, the husband has expressly assented, or even where he has implied by assent (as he must be taken to do, when he knows of the wife carrying trade, does not object or derives himself benefit from it) to her carrying on trade he must be taken to have adopted that trade as his own, and to constitute her his agent for carrying it on so as to render himself personally liable for her acts in the course of conducting the business. If it be true, as stated by Mrs. McEvoy, that Mr. McEvoy by deed or settlement authorized her to carry on the business in the name of M. A. Ludlam, there can be no doubt, I think, either of his liability for any trade debts she may incur in that name, or of the legality of the business thus carried on through her Agency.

5th.—It is not stated in respect of what particular dealing or documents the objection has arisen. The right of the lady to use the name of M. A. Ludlam, and to bind her husband by her signature, is limited. I think to dealings in, and incidental to her trade as a Milliner, or in any business engrafted upon that trade, which it can be clearly shown, Mr. McEvoy has authorized her to carry on. In any other dealings the ordinary disabilities of a married woman would apply, whether she signed in the name of Ludlam or of McEvoy.

6th.—In English Courts, a suit would not be entertained by Mrs. McEvoy in her own name, without joining her husband as a co-plaintiff, and in many cases it would be right that he should sue alone in his own name, and in suits against the firms he would be the only person against whom personally an action could in ordinary cases be brought.

W. RITCHIE,

Advocate General.

(True Copy)

H. W. DASHWOOD,

Registrar.

(COPY.)

CIRCULAR No. 11.—From H. W. DASHWOOD, Esquire, Register, to the Civil Authorities in the North Western Provinces.—Dated Agra, the 22nd June 1859.

THE Court are pleased to call the attention of the Civil Authorities to Act VIII. of 1859 "for simplifying the procedure of the Civil Court not established by Royal Charter, which will come into operation on the 1st July next. From that date the procedure of the Civil Courts will be governed by that Act only, except in the case of a pending suit in which it may appear to the Court that, the application of the provisions of the Act would deprive any party of a right: in which case provision is made by Section 387 for the adoption of the rules previously in force.

2.—The Rules of the Code are so clearly expressed, that the Court believe that no Native Judge, who carefully considers them with reference to the various points in which they differ from the present rules of practice, can fail to understand the new procedure. At the same time the Court are of opinion that, it would be advisable when it can be done, for the Zillah Judge to assemble the Native Judges, and discuss with them *seriatim* the rules of the new Code, and the points on which it differs from the Old Law.

3.—The Court would more particularly call the attention of the Judges to Chapter III. which treats "of a suit till final decree." It will be observed, that the Act entirely dispenses with the series of pleadings required by the present Law. And although it admits of brief written statements of facts being received by the Courts at the first hearing, it evidently contemplates that the issues of Law and fact should be gathered from the oral examination of the parties, or other authorized persons who may be able, and attend in order to answer questions on their behalf, rather than from the written statements prepared by pleaders. In the generality of cases which come before a Sudder Ameen or Moonsiff, the Court have no doubt that the facts will be better ascertained from the oral examination of such parties confronted with each other than by plausible written statements of professional pleaders.

4.—The Court remark, that some labor will devolve on the presiding Judge, at the first institution of the suit under the new Code than under the old procedure. It is, however, calculated in the end to save both time and trouble. On receipt of the plaint it will rest with the Court to see that it is properly drawn up, that it discloses a cause of action, and a subsisting right of action, and that the Court has jurisdiction; in issuing summons to the defendant, the Courts are called on to determine whether the summons shall be for the settlement of issues, or for the final disposal of the suit. This will require the exercise of a sound discretion on the part of the presiding Officer, as well as sufficient acquaintance with the leading points of the case.

5.—The Court think it probable, that at first some opposition and difficulty will be experienced in the practical working of this Chapter.

Parties will endeavour to avoid personal attendance, and pleaders will be loath to give up their habit of writing diffuse and argumentative statements. But the Court trust to the vigilance of the Zillah Judges to see that the fundamental principal of the Code, viz., the ascertainment of the matter in dispute from the oral statements of the parties themselves, instead of from garbled and diffuse pleadings, be fully carried out in practice.

6.—The Court will expect the Zillah Judges in reviewing appeals from the decisions of their subordinates, carefully and promptly to notice any material deviation on their part, from the course of procedure prescribed by this Act, and in reporting upon their official conduct at the end of the year, prominently to bring before the Court the names of those Native Judges whose proceedings may appear to have evinced the greatest intelligence and attention in giving effect to the terms of the Act accord-

ing to its spirit and intent, or the reverse. The Zillah Judges should also act on this rule, when they receive for deposit in their record offices the misls of cases first decided under the provisions of this Act.

7.—Instructions will shortly be issued in regard to the modifications rendered necessary by this law in the forms of the present Quarterly and Annual Statements and Civil processes, but the Court direct the immediate preparation in every Civil Court of a Register of Civil Suits in the form prescribed by Schedule A. of the Act: the form of summonses (Schedule B.) will forthwith be adopted, and each appellate Court will prepare and keep up the Register of appeals prescribed by Schedule C.

CIRCULAR No. 12.—*From. H. W. DASHWOOD, Esquire, Registrar, to the Civil and Sessions Judges in the North Western Provinces, Commissioner of Kinnaird, Sessions Judge of Saugor and Nerhulla Territories, and the Commissioner of the Jhansie Division.—Dated Agra, the 22nd June 1859.*

THE Court having noticed considerable irregularity on the part of several Civil and Sessions Judges in these provinces, in the submission of their Quarterly and Monthly Civil and Criminal Statements, notwithstanding repeated injunctions on this head, contained in letters addressed to individual Judges, and in the Circular No. 6, issued on the 7th September 1858, are pleased, once for all, to direct your attention to the rule contained in paragraphs 4 and 5 of their Circular Orders (Civil) No. 28, dated 21st December 1858, from which you will perceive that you are expected to submit your Monthly (now Quarterly) Civil Statements within ten, or at the furthest fifteen days from the date of their becoming due. Few Zillah Judges act up to this rule, and some habitually exceed the period therein specified by many days. One Officer for instance, admitted his Statements for the first Quarter of this year on the 13th June, or two months after the proper day. It is evident that such delay nullifies the advantages sought by these returns, and entirely defeats the object for which they are required. For the future, therefore, the Court expect to receive your Civil Statements not later than the 20th of the months following the close of the several Quarter, that is April, July, October and January.

2nd.—In the Criminal Department the Court see no reason why your Sessions Statements Nos. 1-10 which, with the exception of Statement No. 3, still continue under Circular Order No. 122, January 24th, 1855, to be submitted monthly, should not be prepared by the 15th of the month following that to which they relate. There is also no occasion for you when you have prepared your own returns for the months which close the Quarters to defer their Despatch till the receipt of the Magistrate's Statements for those Quarters: your Returns and those of the Magistrate being independent of each other. The Court, therefore, lay it down as a rule, that your Criminal Statements are to be despatched to their Office on or before the 15th of each month.

3rd.—The Court earnestly enjoin upon you the strict observance of the instruction herein conveyed, and any systematic disregard of them will render it necessary for them to bring the name of the Officer concerned, to the notice of Government.

CIRCULAR No. 16.—*To the Civil Authorities in the North Western Provinces. Dated Agra, the 15th July 1859.*

THE Court are pleased to extend to these Provinces, the accompanying Circulars issued by the Presidency Court, under date the 27th ultimo, communicating instructions as to the mode of ascertaining whether appeals, filed in the Sudder Court, under Act VIII. 1859, have been presented within time, and what time shall be allowed in the account as having been consumed in procuring copy of the decision appealed against.

CIRCULAR No. 15.—*To the Civil Authorities in the lower Provinces, and the Deputy Commissioner of Huzarebagh. Dated the 27th June 1859.*

With a view to the speedy and correct ascertainment, whether or not any appeal, filed in this Court, under Act VIII. 1859, have been presented within time, and what time must be deducted from the account, as having been necessarily consumed in procuring copy of the decision appealed against, which, it is enacted, must accompany every appeal; the Court have ruled, that the time "necessary for procuring copy of any decision appealed against, shall be considered to be the time elapsed between date of presentation of petition in the lower Court for copy thereof, and date of delivery of the same, or of certificate, that it was ready for delivery to the petitioner, exclusive of those two dates;" and they therefore request that, on the back of every such copy, granted to any party, under Section 198, you will note the date of presentation of petition for the same, and the date of delivery, or on which the copy was ready for delivery to the party.

CIRCULAR No. 17.—*To the Civil Authorities in the North Western Provinces. Dated Agra, the 23rd July 1859.*

The Court have reason to believe, that notwithstanding the issue of numerous Circulars, pointing out the requirements of Acts XII. 1843, and XXXIII. 1854, the rules thereof are in practice superficially regarded, and this, the Court regret to say, not only by the Native Judges, but in some few instances by Zillah Judges, who were bound to set a better example to their subordinates.

2. From some cases which have lately been before the Court, they are led to think that it is not an unfrequent practice with some Officers to dispose of a case orally, and on some subsequent day, and sometimes after a considerable interval of time, to prepare their written decision, assigning to it the date on which the parol decision was made, or, in other words, antedating it. So irregular a practice, the Court remark, could only obtain where the Zillah Judge's practice or supervision is improperly lax.

3. The Court would therefore call the attention of all Civil Officers, subordinate to them, to the provisions of Sections 183 and 185, Act VIII. 1859, which are virtually the same as the rules contained in Act XII. 1843: Section 183 declares, that "the judgment shall be pronounced in open Court, either immediately or on some future day, of which due notice shall be given to the parties or their pleaders," while by Section

185 it is prescribed, that the judgment shall contain the point or points for determination, the decision thereupon, and the reasons for the decision, and shall be dated and signed by the Judge in open Court at the time of pronouncing it.

4. It will be seen then, that the law requiring decisions to be written in the vernacular of the Officer passing the same, is limited to three distinct provisions:—

1st.—That the judgment be pronounced in open Court.

2nd.—That it contain the points for determination, the decision thereupon, and the reasons for the same.

3rd.—That it be dated and signed in open Court, at the time of being pronounced.

5. The requirements of the law will be fully acted up to, if these three provisions are complied with, but in calling the attention of the subordinate Courts to what the law makes imperative, the Court does not wish it to be understood, that the law requires the decision to be written in open Court; a Judicial Officer is at liberty to write it at home: he is only prohibited from giving it out until he has written it. At the same time the Court would not deter Officers from writing their judgments in open Court when able, and inclined to do so.

H. W. DASHWOOD,

Register.

CIRCULAR No. 22.—*To the Civil Judges in the N. W. P., Agra, Dated 9th September 1859.*

THE following modification of paragraph 2, of the Court's Circular Order No 170, dated the 22nd March 1852, and additional rule for the examination of Candidates for the offices of Moonsiffs and Pleaders, are, with the sanction of Government, promulgated.

2nd.—The Divisional Committees for the examination of Candidates for a first class Diploma as pleader, will be held in future at the head quarters of each Commissioner's Division. The Magistrates of Bareilly, Meerut, Allahabad, Agra and Benares, will be added to these Committees, and the Secretary, Sudder Board of Revenue, will be *ex officio*, a member of the Allahabad Committee.

3rd.—Candidates for first class Diplomas are required to attend for examination at the head quarters of the Division in which they reside. A resident of one Division will not be permitted to appear before the Committee of another Division.

CIRCULAR No. 29.—*To the Civil Judges in the North Western Provinces. Dated Agra, the 16th November 1859.*

As instances have occurred in which inconvenience and delay have been caused by the difficulty or impossibility of ascertaining the names of Europeans or East Indians when written in the Persian character only, the Court are pleased to direct, that all names of Europeans or East Indians, which may be entered in processes, directed by any of the Civil Courts to other districts, shall, whenever it may be practicable, be written in the English as well as in the Persian character.

CIRCULAR No. 30.—*To the Civil Authorities in the North Western Provinces.*
Dated Agra, the 15th November 1859.

THE Court are pleased to prescribe the subjoined Forms of Certificate, adopted by the Presidency Court, for use in cases under Act XL. of 1858:—

A.

Form of Certificate under Section 7, Act XL. 1858.

Whereas this Court has, under the provisions of Section 7, Act XL. 1858, been pleased to appoint you A. B. to administer to the estate of C. D., at present a minor during the period of his minority, subject to the power of revocation vested in the Court, by Section 21 of the Act aforesaid; you are hereby authorized to take charge of the property of the minor in trust, to collect and pay all just debts, claims and liabilities due to, or by the estate of the minor; to institute or defend suits connected with that estate, and generally to do and perform all acts, which may be necessary to the due discharge of the trust vested in you; provided always, that you shall not sell or mortgage any part of the estate, belonging to the minor, and that you shall not grant any lease for a term exceeding 5 years, without the express sanction of this Court, previously obtained; and that you shall keep regular accounts of your receipts and disbursements with all vouchers and other documents necessary to establish their correctness. (If the person administering is himself appointed guardian, then it should be "you are hereby further appointed guardian of the minor's person, and authorized to expend Rupees monthly, on account of his maintenance and education.")

B.

Form of Certificate under Section 10, Act XL. 1858.

Whereas this Court has, under the provisions of Section 10, Act XL. of 1858, appointed you A. B. to be public curator (or administrator) of the personal estate, including houses, gardens, and the like, belonging to C. D., a minor, and to continue to administer to such estate during his minority, at a salary of Rupees or Commission at per cent. on all sums received and disbursed by you on account of the minor, subject to the power of revocation vested in the Court; you are hereby authorized to take charge of the aforesaid minor's property, to institute and defend all actions in connection with the property, and to do and perform all acts necessary to the due discharge of the trust vested in you; you are to deliver into this Court, within six months from this date, an inventory of the immoveable property, belonging to the said C. D., and of all such sums of money, goods and effects, as you may have received on account of his moveable estate, together with a statement of all debts ascertained or believed to be due to the said estate.

You are within three months after close of the current year, and of every succeeding year, that you shall retain charge of the property of C. D., and also within three months of the termination of your trust, to furnish to this Court, an accurate account of the property in your charge, and the sums received and disbursed on account thereof, and the balance in hand, together with the vouchers and other documents necessary to support the account. You are to exercise the same powers, in regard to the management of the said property, as might be exercised by the proprietor, were he not a minor, and to collect and pay all just debts on account thereof. But you are not to sell, or mortgage any part of the immoveable property, nor to grant any lease thereof for a term exceeding 5 years, without the express orders of this Court, previously obtained. You are hereby further authorized to pay Rupees monthly, on account of the

minor's education and maintenance to X. Y. Z., appointed his (or her) guardian under the orders of this Court, dated

C.

Form of Certificate under Section 7, or Section 11, Act XL 1858.

Whereas under Section 7, or Section 11, Act XL 1858, you have been appointed to be guardian of C. D., now a minor, during the period of his minority, or until this Certificate be revoked, you are hereby required to take charge of the person of the said minor, and to provide suitably for his maintenance and education, for which purpose you will receive from the Public Curator (or administrator of the estate) a monthly sum of Rupees , and you are hereby authorized to receive a personal allowance of Rupees per mensem, as a remuneration for your trouble and responsibility.

CIRCULAR No. 14. — *To the Civil Authorities in the North Western Provinces. Dated*
Agra, the 19th November 1859.

THE Sudder Dewanny Adawlut, North Western Provinces, are pleased to publish, for the guidance of the Civil authorities subordinate to them, the annexed Circular No. 23, dated 29th July 1859, issued by the Presidency Court, communicating instructions and adopting forms, under Act VIII. of 1859:—

CIRCULAR No. 23.—*Fort William, 29th July 1859.*

In order to prevent, as far as possible, any diversity of practice in carrying out the provisions of Act VIII. of 1859, the Court are pleased to direct your attention to the following points:—

1. As all suits are in future to be instituted in the Court of the lowest grade competent to try them,^a it follows that they can rarely, if ever, be instituted in the Courts of the Judges or Additional Judges.
2. These Courts, however, continue to possess the power of withdrawing suits instituted in the subordinate Courts, and trying them in their own, whenever they may see sufficient cause for doing so. This power affords them opportunities of instructing the lower Courts practically in the procedure of the new Code, which the Courts expect that they will not neglect.
3. The institution of a second suit in another Court, for the same cause of action, during the pendency of the first suit is, you will observe, no longer punishable by dismissal of the second suit, as was the case under Section 12, Regulation III. of 1793; but, under Section 6 of the Code, the superior Courts have the power of transferring such second suit to the Court in which the first suit is being tried.
4. The misjoinder of two or more causes of action also no longer subjects the plaintiff to a nonsuit. Under Section 9 of the Code, the Court will, in such cases, direct that those causes of action, which cannot conveniently be tried together, shall be tried as separate suits. It will be necessary to take care in these cases, however, that the original institution fee is sufficient to cover all the different causes of action in the plaint.
5. Upon a plaint being presented, the Judge or other presiding officer should note or cause to be noted on the back, the date of presentation, and whether it has been presented by the plaintiff in person, or by his authorized agent or pleader.
6. He should then examine the plaint carefully, to see that it contains the particulars insisted in Section 26, that it is not unnecessarily prolix; and that it is verified in the manner directed in Section 27.

8. The personal attendance of the plaintiff in Court for the purpose of verification is unnecessary. He may make the verification and sign the plaint where he pleases. He must present it, however, in Court, either in person, or through a duly appointed pleader, unless he is not within the jurisdiction of the Court, in which case alone he is authorized, under Section 16, to appear by a recognized agent. The pleader must sign the plaint, but is not required to verify it. In all these cases the plaintiff, however, is responsible for the statements contained in his plaint.

9. Under Section 28, the Court, in the event of plaintiff's absence, or for other good cause, may allow the verification to be made by any person they consider competent. Care must be taken, however, that this provision is not abused. Good cause must always be shewn for non-verification of the plaint by the plaintiff himself, and no person should be considered competent to verify, who is not *personally* acquainted with the facts of the case.

10. The attention of the Courts is particularly directed to the specimens of plaints contained in Section 26; and to the necessity of great firmness at first, in order to check the tendency to prolixity which the mookhtears and others, who have hitherto been in the habit of drawing up plaints, will doubtless evince. When the plaint contains any argument or anything beyond a concise statement of the points enumerated in Clauses 1, 2 and 3 of Section 26, it should invariably be returned for amendment, or in extreme cases, rejected.

11. The presiding Officer should next consider whether the plaint is inadmissible on any of the grounds indicated in Sections 8, 9, 30, 31, 32 or 33.

12. If he finds it necessary to reject the plaint, he must record a judicial order to that effect in his own vernacular, with his reasons for such order, either on the back of the plaint or on a separate paper; and the plaint, with the judgment and any deposition of the plaintiff or his pleader or authorized agent which may have been taken, will then be deposited in the record-room of the Court in the usual manner.

13. If a plaint is returned to the party presenting it for amendment, the date of its presentation and return, the name of the party presenting it, and a concise reason for its return, such as "too prolix," or "argumentative," "no jurisdiction in this Court," &c. shall be endorsed upon it, before it is returned, and signed and sealed by the presiding Officer.

14. A register shall be kept of all returned, and another of all rejected, plaints, in the following form:—

1	2	3	4	5
Date of presentation.	By whom presented.	Ground of { Return of { Rejection concisely stated.	Date of { Return. { Rejection.	Signature of Judicial Officer.

15. These Registers should be bound, the pages numbered, and each page stamped with the Court's seal. They should be filled up on the bench by the serishtadar or other head Officer present, when the order is passed; and the Amilah should not be permitted to fill them up afterwards or in a separate room from the presiding Officer.

16. If the plaint is unobjectionable, the Court in which it is presented must next consider, whether it is necessary to take security from the plaintiff under Section 34 or 35, or to apply to the zillah Sudder Court, under Sections 11, 12 or 13, for authority to proceed with the trial of the suit.

17. If the Court considers the plaint admissible at once, an order must be recorded for its entry in Register A.; and a memorandum should also be endorsed on it, at the same time, of the documents which the plaintiff has filed along with it, together with the names of the persons presenting them. This is of great importance, as documents not filed with the plaint are inadmissible afterwards, except on cause shewn.

18. When parties claim to appear as pleaders or authorized agents, their vakalatnamahs or powers of attorney should, where practicable, be filed, in original, with the plaint; where the power of attorney is a general one, a copy should be filed, and the original presented for verification.

19. When copies of documents are filed under Section 39, the serishtadar or head Officer of the Court will, as a general rule, compare them with the originals, and certify on the face of them that he has done so, and that they correspond. Copies of important documents, such as wills and deeds, on which suits are founded, should, however, be verified by the presiding Officer himself.

20. When the order is passed for registering the plaint, the plaintiff must next deposit with the Nazir, the fees necessary for the summons of the defendant or defendants, according to the table of fees suspended in the Court-room, and no process will issue until he does so.*

* Section 23.

21. If the plaintiff wishes the defendant to be required to produce any document, it will be observed that he must file a description of it with his plaint, in order that the summons may be framed accordingly. Under the provisions of Section 107, however, he is not precluded from serving the defendant with a notice for this purpose at a latter period.

Section 40.

22. There does not appear to be any penalty under Act VIII. of 1859, for delay in proceeding with a suit. The plaintiff therefore cannot be required to take out a summons within any fixed period.

23. On the Nazir reporting that the fees have been deposited, the Court should fix a day without loss of time for the appearance of the defendant. This is a matter which will require considerable care and attention, especially if the parties are to appear in person; for it is very desirable that postponements should take place as seldom as possible; and that, as a general rule, causes should always be heard upon the day fixed. The date specified in the summons also ought in all cases to be so far distant, as to afford the defendant ample time to prepare his defence. No general rule can be laid down on this subject; but the Court issuing the summons ought particularly to take into consideration the nature of the case, whether simple or complicated, slight or important, and the state of its own files, together with the particulars noted in Section 45.

Sections 41 and 45.

24. A memorandum book with columns for each Court-day in the year, shewing the cause set down for trial on each date, will greatly facilitate a decision on this point, and should invariably be kept. A cause list setting forth the day fixed for the hearing of each cause ought also to be suspended in the Court-room for the information of parties and their pleaders.

25. In determining whether the summons shall be for the settlement of issues only or for the final disposal of the case,* the Court must of course be guided entirely by the nature of the suit, and the probability or otherwise of the facts stated in the plaint being disputed by the defendant on grounds which will require the production of much evidence, or will involve much forensic contention. Where the case appears simple, and it seems probable that a correct judgment can be formed at the first hearing from the examinations of the parties, or their agents, and such evidence, oral or documentary, as they can bring with them, the summons will of course be for a final disposal of the case at the first hearing.

* Section 41.

26. Much discretion will be required in the exercise of the powers vested in the Courts by Section 42, of compelling the personal attendance of the plaintiff or defendant. On the one hand, it is important that this power should not be used so as unnecessarily to harass suitors. On the other it is one which, if exercised judiciously, will tend to curtail litigation, and will enable the Court to arrive at more satisfactory conclusions than would otherwise be possible. The best general rule which can be laid down on this subject, probably is, that parties should only be summoned in those cases where it seems certain that they must have a better personal knowledge of the facts than any one else, and where facts are disputed, the correct determination of which is essential to the formation of a satisfactory judgment. To summon a zemindar in many of the disputes which arise between himself and his ryots, would generally be a vexatious proceeding, because men of this class usually conduct their affairs through the agency of others, and would, therefore, be unable to give direct testimony; but in cases where the question is, whether the defendant personally executed a certain deed, or made the contract which the suit seeks to enforce, the interests of justice clearly require that the party himself should be brought into Court.

27. A wide discretion, however, is left to judicial Officers in this matter; and the Court would impress strongly upon the Zillah Judges the importance of watching carefully the manner in which it is exercised by the lower Courts.

28. The provisions in the new code regarding the service of summons should be carefully explained to the Nazir of the Court and his subordinates. They differ in many respects from the old law.

29. The form of injunction under Section 92 will be as follows:—

Court of the Principal Sudder Ameen, Zillah 24-Pergunnahs.

No. 220 of 1859.

RADHAMOHUN BANERJEE, Plaintiff,

versus

KHETERMOHUN SHA, Defendant.

Suit for possession of 10 biswahs, 2 chittacks of land, with houses and trees, in mouzah Rampore, pergunnah Myda.

Khettermohun Sha, of mouzah Rampore, pergunnah Myda, take notice.

Whereas it has been shewn to the satisfaction of the Court, in this suit, that the property in dispute is in danger of being alienated by you, or (that you are about to damage the property in dispute by *cutting down the trees*) or (*removing the houses*). Now, therefore, you are hereby commanded to refrain from (*doing the act complained of*): herein fail not.

Given under the seal and signature of the Court, this 21st day of August, 1859.



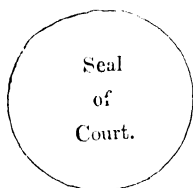
Principal Sudder Ameen.

30. The heading of the injunction under Section 93 will be the same as the foregoing, but the preamble will be as follows :

Whereas application has been made to this Court by Radhamohun Banerjee, plaintiff, in the suit abovementioned, for an order to restrain you from [*the injury or breach complained of.*] Now, therefore, you are hereby commanded, on penalty of imprisonment, to refrain from repeating or continuing the act complained of, or [from committing any further breach of contract] or [injury] arising out of the contract now being litigated in the suit abovementioned, or [with reference to the property or right] now under litigation in the above suit: you are also hereby commanded to keep true accounts for the Court's inspection, of all sums, receipts and disbursements in connection

with the } contract
 } property
 } business aforesaid, and you are warned that this injunction will continue in force from the 20th day of Assin, 1267, [September, 1859,] to the 1st of Maugh, 1267, [January, 1859.]

Given under the seal and signature of the Court, this 21st day of August, 1859.



Principal Sudder Ameen.

31. These forms must of course be varied to suit particular cases; but the general character of the forms should, in all cases, be preserved, and care should be taken that whatever the defendant is enjoined to refrain from doing, should be expressed in clear and precise terms, so as not to admit of any doubt.

32. It will be observed, that no specific penalty is attached to disobedience of an injunction under Section 92. In all cases, however, either of actual, or threatened disobedience to the order of the Court, it can, if it think it necessary for the preservation or better management or custody of the property, appoint a receiver, or give such other orders of a like character for the prevention of waste or alienation, as it may consider advisable.

33. It will be observed, that the chapter on the death, marriage, and bankruptcy of parties, (Sec: 99 and following Sections) introduces a very important change into the procedure of our Courts. Hitherto when a plaintiff or defendant died during the pendency of a suit, the suit itself was placed in abeyance, and it was necessary for the Judge to issue notices, calling on the legal representatives of the deceased to appear. Under the new code there need not, in the majority of cases, be any interruption to the suit, and it is left to the parties themselves to move the Court to substitute the name of the heir or representative for that of the deceased. There is no doubt that these provisions will prevent much of the delay which has hitherto occurred in the disposal of civil suits.

34. Under Sections 111 and 112, it will be seen that cases cannot be decided *ex parte* until the Court is satisfied either by the evidence of the parties serving the process, or other proof, that the summons has been duly served on the defendant according to some one of the modes of service specified in the chapter on service of summons.

35. It will be understood, that even although the defendant does not appear, the plaintiff must prove his case to the satisfaction of the Court before he can obtain a decree. The defendant also, it will be observed, may apply for an order to set aside

the *ex parte* judgment at any period between the date of the judgment and the 30th day after process has been taken out for its enforcement.

36. The provision in Section 115, which admits of one plaintiff or one defendant appearing and acting for other plaintiffs and defendants, on filing a written authority in Court, is a new one, and should be noted.

37. The only case in which a defendant is compelled to put in a written statement without the order of the Court is, where he desires to set off a claim of his own against the debt claimed by the plaintiff. In other cases, it is discretionary with him to file a written reply or not as he thinks proper.

38. The Court has the power of calling for written statements in all cases, where it may consider it necessary to do so.

39. But this power should only be exercised, as a general rule, where the cases is complicated, or defendant is not present in person.

40. It should be carefully borne in mind, that all written statements must be subscribed and verified by the parties themselves, or the competent persons referred to in paragraph 9, and that any wilful falsehood contained in these statements subjects the subscriber to a prosecution for perjury.

41. With regard to the examination of the parties at the first hearing of the suit, it is only necessary to point out that (except in cases which are to be finally disposed of at the first hearing,) the examination should be limited to obtaining from each party a clear statement of the facts on which he relies, and ascertaining from him the exact points on which he and his adversary are at issue. If either of the parties has put in a written statement, it will only be necessary to question him regarding any allegations in that statement, which appear obscure, or any facts alleged by his adversary which he has not fully noticed. Where the parties are represented by pleaders or agents who have not put in a written statement, it will probably be most convenient to allow them to make a concise statement of the facts of their client's case in the first place, questioning them afterwards on those points of difference between their adversaries and themselves on which they do not appear to have been sufficiently explicit.

42. Cross-examination by the pleaders on either side ought not to be permitted at this stage of the proceedings. The examination is to be wholly by the Court.

43. The power vested in the Courts by Section 127 of summoning the parties to answer particular questions is only to be exercised where the question is material to one of the issues in the case, where the pleader has been unable or has refused to answer it, and where the Court has reason to believe that the party himself, if present, could answer it of his own knowledge. The Court, therefore, in all cases where the summoned parties under this Section, will be careful to record the question or questions, the pleader's inability to answer which has induced them to summon the parties, and the grounds of their expectation that the party summoned will be able to answer them.

44. When the issues are framed, the Court may either dispose of the case at once after hearing argument and evidence, or may fix a day for the production of evidence and for argument on the issues. In the latter case the issues and the notice to attend will be recorded in the following form:—

Regular Suit No. 18, Ram Chunder, plaintiff, *versus* Sham Chunder, defendant.
In this case the issues are—

In bar of suit arising on the plaint [or plaintiff's statement.]

1 _____
2 _____
3 _____
4 _____

Of Fact,

1 _____
2 _____
3 _____
4 _____

Of Law arising out of fact found.

3 _____

4 _____

The above issues were settled by the Court at the first hearing of this case, on the _____ of _____ when the following persons were orally examined, _____

The case stands adjourned for the final hearing under Section 172, till the _____ of _____ when both parties are required to have their witnesses in attendance at this Court, at 11 A. M.

45. The Courts will take notice of the provisions of the Code (Section 155 and 159) which allow service of a summons to a witness to be made on any adult male member of his family residing with him. It is not meant by this provision that service on a personal enemy of the witness would be sufficient service on the witness, merely because they occupied the same homestead. To render the service a good service, the parties must be *bonæ fide* living together in commensality, or at least in the same house. Care will be necessary to prevent this Section being taken advantage of for purposes of fraud.

46. Under Section 159, it will be observed that, in future, witnesses who keep out of the way so that they cannot be served, are not to be proceeded against without proof that their evidence is material, and their property is not to be attached, except at the instance of the party summoning them.

47. The lower Courts should pay particular attention to the rule in Section 172, which requires that all evidence shall be taken under the personal superintendence of the Judge; and that if he does not write it down himself, he shall make a memorandum of the substance, which he shall sign and file with the record, recording the reason of his inability, whenever he is unable to do so. The zillah Judges will take notice of all violations of this rule, which come under their notice.

48. The authority conveyed in Sections 180 and 181, to appoint suitable persons to make local investigation, or to investigate accounts, and to charge their expenses to the party, at whose instance and for whose benefit they are appointed, is a most valuable one, and it will be the fault of the Courts, hereafter, if they employ any other than well-qualified and trustworthy persons to perform these duties.

49. It will be seen that there is a material difference in the mode in which the Court may deal with the reports of Commissioners appointed for local investigations under Section 180, and of those appointed to investigate accounts under Section 181. The report, in the former case must be received as evidence, although the Commissioner may be examined touching his proceedings, and the Court may, of course, attach its own weight to the evidence; but in the latter case, the Court may instruct the Commissioner to submit his proceedings with or without a report, or if dissatisfied with his proceedings, may direct further enquiry.

50. The decree (Section 189) is, it will be seen, altogether distinct from the Judgment, although it also must be signed by the Judge. The form will be as follows:—

Court of the Principal Sadler Ameen of the 24 Pergunnahs.

Dated 20th August 1849, No. 220 of 1859.

RAJMAHOMUN BANERJEE, SON OF RAJKISSEN BANERJEE, inhabitant of Mouzah Andool,
Pergunnah Myda, Plaintiff,

versus

RAJKISSEN BHUTTACHARY, SON OF DENONATH BHUTTACHARY,
inhabitant of Rampore, Pergunnah Myda, Defendant.

Suit for (extract particulars of claim given in the register of the suit.)
This cause coming on to be heard and debated this present day before Baboo _____,

Rai Bahadoor, Principal Sudder Ameen, of Zillah 24-Pergunnahs, in the presence of Baboo Gour Doss Bysackh, counsel for the plaintiff, and Moonshce Abbas Ali, counsel for the defendant, (or if the parties appear in person, mention their names) and the evidence, oral and documentary, produced by the plaintiff and defendant respectively, having been heard, and due consideration having been given to what was alleged by the counsel (or by the parties) on both sides, the Court orders and decrees that (here state the decretal order in terms of the judgment where costs are awarded, give a detail of the cost which either party is to pay, and insert the other particulars required by the 190th and following Sections of the Code.)

Seal
of
Court.

Principal Sudder Ameen.

The terms of the decretal order should be carefully studied before the decree is signed, and the directions should be precise, so that there may be no ambiguity.

51. The following shall be the form of the notice, which the Court is to issue under Section 216.

Court of the
No. ——— of —

—Decree-holder.
—Judgment-debtor.

—, inhabitant of —, take notice, that an application has this day been made to the Court of —, for enforcement of the decree, passed against you, on the —, in the suit, noted in the margin, and that you are required to appear on, or before the —, and shew cause why execution of the said decree should not issue against you, failing which, an order for execution will forthwith issue in terms of the application.

Given under my hand and the seal of this Court.

Seal
of
Court.

Principal Sudder Ameen.

52. Resistance of process in cases of attachment or seizure of moveable property is still punishable under Section 25, Regulation IV. of 1793, which has not been repealed. No provision has been made in the Code for the punishment of resistance in these cases.

53. The prohibitory orders in Sections 234, 235 and 236 may have the same heading as the notice in para. 51. The body of the order, however, will run thus:—

Whereas the decree-holder, in the case abovementioned, has applied for attachment of the following property, viz. ———, and it appears that the aforesaid property is at present in your possession, take notice, therefore, that you are hereby prohibited from (here give the prohibition in terms as nearly as possible of the Sections referred to, describing with precision the property referred to.)

Given under my hand and the seal of this Court.

Seal
of
Court.

Principal Sudder Ameen.

A slight variation will adapt these forms to the notices of attachment authorised in Section 237.

54. The attention of the Courts is called to the provisions of Sections 243 and 244, which confer on them the power of postponing, at the instance of the judgment-debtor, a sale in execution of decree, if they are satisfied that the amount may be raised by mortgage or lease. Care must be taken that this power is not so exercised as to inflict an injury on the decree-holder.

55. Sales of land paying revenue to Government are only to be made through the Collector under Section 248, in the event of the Government so directing. Where no special authority has been given by the Government to the Collector, they will be sold, as heretofore, by an officer of the Civil Court.

56. Section 260 prohibits suits for the recovery of lands, sold in execution of decree, when founded on the plea that they were purchased benamée.

57. Sections 270 and 271 introduce an important alteration in the principle on which sale proceeds have hitherto been distributed.

58. The chapters on reference to arbitration and proceedings on agreement of parties also contain much new matter, which should be noted.

59. Section 334 directs that the period allowed for appeal shall be reckoned exclusive of the time requisite for obtaining a copy of the decree appealed against. In granting copies of decrees, therefore, the lower Courts will be careful to endorse on them the date of application for copies, and the date when such copies were ready for delivery to the appellant. When the requisite stamps are not filed with the petition, the date of application must be considered to be that on which the stamps were filed, and the Mohurriis were enabled to commence the preparation of the copies. The endorsement therefore must always state on what date the stamp papers were deposited. The appellate Court should be careful to notice any delay in furnishing these copies.

60. Where appeals are preferred from decisions passed before the 1st of July, and appellants would be deprived of any right in reference to the procedure of the suit by the operation of Act VIII. of 1859, the appeal must be heard under the old law. A similar rule applies to the original trial of all suits pending, when this Act came into operation.

61. In the preceding remarks the Court have not thought it necessary to do more than to call attention to the principal features of the new Code, and to the most important of the many changes which it introduces in the old system of pro-

cedure. The Code itself must be thoroughly studied, section by section. Its success in the different Courts depends in a peculiar degree on the judgment and discretion with which it is worked by individual Judges, and neither the one nor the other can be exercised to any purpose, without a perfect familiarity with its provisions.

62. The Court request that the zillah Judges will exert themselves to preserve uniformity in the working of the Code in their respective districts, and that they will communicate freely with them whenever they experience any difficulties.

63. The Court will expect a report in July 1860, on the results of the past year's experience of the Code, in the several Courts of each district.

W. JOHNSON,

Assistant Registrar.

CIRCULAR No. 32.—To the Civil Authorities in the North Western Provinces.—

Dated Agra, the 24th December 1859.

THE Court having reason to believe, that the terms of Section 248, Act VIII. 1859,

"If the property to be sold shall be land, paying revenue to Government and the Government, shall so direct, the sale shall be conducted by the Collector, on the requisition of this Court.

as quoted in the margin, have given rise to some misapprehension as to the authority, by which sales of land, paying revenue to Government, in execution of decree of Court, are to be conducted, are pleased to notify, that it has been held by them

in communication with the Government, that the provisions of Section 6, Act IV. of 1846, by which the Collector attaches and sells land, in execution of civil process, on the requisition of the Courts, are still in force in these provinces. On the passing of the bill, now before the Legislative Council, which repeals, amongst other Regulations and Acts, Act IV. of 1846, it is the intention of Government to issue a notification maintaining, so far as these Provinces are concerned, the provisions of Section 6, Act IV. of 1846.

CIRCULAR No. 33.—To the Zillah Judges in the North Western Provinces.—

Dated Agra, the 20th December 1859.

THE Court are pleased to publish, for general information, the accompanying copy of a Resolution, recorded under date the 17th instant, in regard to the procedure to be observed in appeals to Her Majesty's Privy Council.

2nd.—Annexed to the Circular are copies of the orders of the Privy Council, dated June 13th and July 13th 1853, upon the same subject. Owing to the general destruction of the records and books of reference in these Provinces, it has been thought advisable to re-publish these orders for the convenience of parties, intending to prefer appeals to the Queen in Council.

(COPIES.)

Resolution of the Court of Sudder Dewanny Adawlut, North Western Provinces, under date the 17th December 1859.

Present :

H. UNWIN, ESQ.,

R. B. MORGAN, ESQ.,

Justices.

R. MONEY, ESQ.,

Offg. Judge.

M. R. GUEBINS, ESQ.,

Offg. Extra Judge.

The Court resolve that the following rules, relating to appeals to Her Majesty's Privy Council, which have been adopted by the Presidency Court, be introduced from the 1st January 1860.

RULE I.—Parties filing petitions of appeal to the Queen in Council, shall be required simultaneously with such application, or to any time before the expiration of the six months, allowed by law to deposit in Court, the certified amount of costs to be incurred in translating the record of the case, and transmitting it to England. The proper officer of the Court will certify to such parties, on application made through the Register, the probable amount of such costs, if the costs are not so certified, the appellant may pay into Court such amount, as he may think would eventually cover the expenses. If neither the amount certified, nor the probable amount of costs be deposited within six months, the appeal shall be struck off.

RULE II.—Parties wishing to appeal to the Queen in Council, cases decided on points of law, shall, in their petitions of appeal, state those points definitely. The respondents shall then receive notice to state in writing their concurrence with, or dissent from, such the appellant's allegations. In the event of both parties being agreed both as to the definite terms of the issue raised, and the definite result of the determination of them by the Court, the Court may, if it see fit, certify the appeals to be on points of law. The appellants shall file, with their petitions or separately, before the expiration of the six months allowed by law, a list of the papers they wish to be translated, and at the same time make the deposit under the provision of Rule I.

RULE III.—Within seven days from the date of the deposit, the appellant and respondent will be furnished, through their respective pleaders, with a copy of the list of the papers which make up the record of the case. Ordinarily the entire record, exclusive of merely formal documents, shall be translated; but it shall be competent to either party in the cause, within two weeks from the receipt of the lists, to indicate any documents, besides those which may have been already omitted, they consider to be of a formal character and irrelevant to any question to be determined in the course of the appeal. If the parties concur in the additional omissions proposed, the documents so indicated will not be translated; but in the event of the parties differing as to the proposed omissions, the matter will be laid before a Judge of the Court, on the first sitting after the expiration of the two weeks aforesaid, for his determination.

RULE IV.—When the deposit is made agreeably to Rules I. and II., and the order passed by the Sudder in the contested cases as to the papers which shall be translated under Rule III, the proper officer of the Court will be required to certify by estimation, within two weeks from the date of such order, whether the deposit made by the appellant will be sufficient to meet the expenses, or what further deposit will be necessary. On this certificate being filed, the appellant shall be called upon to complete the deposit so certified, within one week from the date of the order. In default of payment of the balance of deposit, the appeal will stand dismissed from the file of the Court.

RULE V.—On the concurrence of the parties being expressed with respect to the omission of formal or irrelevant documents, or upon the orders of the Court, in the Miscellaneous Department, being pronounced, as to the omission to be made, the translation of the record shall proceed as a matter of course.

RULE VI.—The translation and examination of cases shall be given to competent parties at the discretion of the register on condition of their completing the work within a certain time fixed, which shall in no case exceed three months for translation, and one month for examination.

RULE VII.—When translators and examiners have put in the papers, the Register of the Court will get them copied fair, so as to be ready for transmission to England, within one month from the date of the return of the papers by the above-

mentioned officers. The dates on which the translators, examiners, and copyists severally deliver the papers, shall be certified by the register on the papers, or in a book kept for the purpose.

RULE VIII.—With the petition of appeal, the appellant shall put in the usual security of Rs. 4,000, either in cash or Company's paper; or if he intend to give real property in security for such costs, he shall be required to file the usual security bond duly registered; and the parties to the security shall specify distinctly the origin and ground of title asserted by the surety, and lay before the Court clear data by which the value of the property may be tested.

RULE IX.—Within one week from the date of such application, the Register will cause a proceeding to be drawn out, and signed by a Judge of the Court in the Miscellaneous Department, calling upon the Judge of the district in whose jurisdiction the lands given as security may lie, to certify to the sufficiency of such security after due enquiry, and hearing such objections as may be urged within two months from the date of receipt of this Court's order.

RULE X.—For this purpose it will be merely necessary for the Zillah Judge, instead of ascertaining questions of possession and value by the agency of his Nazir, as has been the usual practice, to pursue the enquiry himself by, first, a proclamation of the order made in the Court of the Judge and of any Moonsiff, within whose jurisdiction any portion of the property may be situate; and, next, by requiring the surety to present, *prima facie*, proof of possession, viz., his deeds, papers and documents, and submission of witnesses personally cognizant of the fact.

RULE XI.—If the Zillah Judge find that the appellant has failed to lay before him all the materials, which are necessary for his coming to a right conclusion, in regard to the validity of the security, or if he finds, after making the necessary enquiries, that the property at best is of the nature of a doubtful security, he is to return the papers to the Sudder Court, with an expression of his opinion, within the period abovementioned. If the Zillah Judge find that an extension of the time is necessary from unavoidable causes, he may ask for an extension, and the Sudder Court, if they deem fit, may grant such extension, but only to the extent of one month from the expiration of the time mentioned in Rule IX.

RULE XII.—When the return is made by the Zillah Judge, according to the provisions of Rule IX., it will be the duty of the Register to lay the same before the Court, who will pass such order in the matter of security as may seem to them just and proper. In case of the rejection of the security so tendered, the appellant shall be called upon to deposit Rs. 4,000 in cash, or Company's paper, within six weeks from the date of such call, and in default in the payment thereof, the appeal will stand dismissed from the file of the Court.

RULE XIII.—Within ten days from the day the translations shall be ready under Rule VI., or the security shall have been accepted by order of the Court as the one or the other may happen last, the Register shall cause the papers to be transmitted to England.

RULE XIV.—On the presentation of the petition of appeal, notice thereof shall be served on the respondent, in the manner in which it is now done.

RULE XV.—If it be found, after the transcripts are ready for despatch, that the deposit made by the appellant, falls short of the expense actually incurred in the translations, &c., the proper officer of the Court will submit a statement of the deficiency, and the appellant shall thereupon be called upon to deposit the balance within the period of one week. If the money is not paid within that time, the appeal shall stand dismissed. The statement aforesaid is to be submitted by the officer of the Court within three days from the completion of the transcript as certified by the register, under the provisions of Rule VII.

XVI. The Resolution of the 14th January 1856 is rescinded. All orders upon were matters of form under this Resolution, shall issue from the Register's office, and

under that officer's signature. The Register will refer to the Judge of the Court by whom the English decision of the case was written, or who may have taken part in the decision, if present with the Court, if not, to some other Judge, for instructions on any point in regard to which he may entertain doubts, or which may not be within his competency to dispose of under the terms of this Resolution.

ORDERED.—That this Resolution be translated and entered in the English and vernacular books, and a copy be hung up at the entrance of the Court House, for general information.

Order in Council, dated 13th June 1853.

Whereas there was this day read at the Board, a Report from the Right Hon'ble the Lords of the Judicial Committee of the Privy Council, dated the 30th of May last, past, humbly setting forth, that the Lords of the Judicial Committee have taken into consideration the practice of the Committee, with a view to greater economy, despatch, and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty, that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain Rules and Regulations therein set forth, should henceforward be observed, obeyed and carried into execution, provided Her Majesty is pleased to approve the same.

Her Majesty having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, videlicet;

I. That any former usage or practice of Her Majesty's Privy Council, notwithstanding an appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the appeal from the respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

Appellant when successful, may recover costs of a plea.

II. That the Registrar or other proper officer having the custody of records in any Court, or special jurisdiction, from which an appeal is brought to Her Majesty in Council, be directed to send by post, with all possible despatch, one certified copy of the transcript record in such cause to the Registrar of Her Majesty's Privy Council, Whitehall, and all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from; and that such transcript be accompanied by a correct and complete index of all the papers, documents, and exhibits in the cause; and that the Registrar of the Court appealed from, or other proper officer of such Court, be directed to omit, from such transcript, all merely formal documents, provided such omission be stated and certified in the said index of papers; and that especial care be taken not to allow any document to be set forth more than once in such transcript, and that no other certified copies of the record be transmitted to Agents in England, by or on behalf of the parties in the suit; and that the fees and expenses incurred and paid for the preparation of such transcript be stated and certified upon it by the Register or other officer preparing the same.

Transcripts to be sent to Registrar of Privy Council.

III. That, when the record of proceedings or evidence in the cause appealed, has been printed or partly printed abroad, the Registrar or other proper officer of the Court, from which the appeal is brought, shall be bound to send home the same in a printed form either wholly or so far as the same may have been printed, and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the Court appealed from, to these copies, with the sanction of the Court.

Transcripts may be printed abroad.

IV. That, when the record of proceedings or evidence in the cause appealed, has been printed or partly printed abroad, the Registrar or other proper officer of the Court, from which the appeal is brought, shall be bound to send home the same in a printed form either wholly or so far as the same may have been printed, and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the Court appealed from, to these copies, with the sanction of the Court.

And that in all cases in which the parties in appeals shall think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause fifty copies of the same to be printed in folio, and transmitted, at their expense, to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the officers of the Court appealed from, and in this case no further expense for copying or printing the record will be incurred or allowed in England.

IV. That, on the arrival of a written transcript of appeal at the Privy Council Office, Whitehall, the appellant or the agent of the appellant prosecuting the same, shall be at liberty to call on the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the respondent or his agents may require, to be printed by Her Majesty's Printer, or by any other Printer on the same terms, the appellant or his agent engaging to pay the cost of preparing a copy for the Printer, at a rate not exceeding one shilling per brief sheet, and likewise the cost of printing such record or appendix, and that one hundred copies of the same to be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee; and that no other fees for Solicitor's copies of the transcript, or for drawing the joint appendix, be henceforth allowed, the Solicitors on both sides being allowed to have access to the original papers at the Council office, and to extract or cause to be extracted and copied such parts thereof as are necessary for the preparation of the petition of appeal, at the Stationer's charge, not exceeding one shilling per brief sheet.

V. That a certain time be fixed within which it shall be the duty of the appellant or his agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript and the registration thereof, in all matters brought by appeal from Her Majesty's Colonies and Plantations, east of the Cape of Good Hope, or from the territories of the East India Company, and within the space of three months, in all matters brought by appeal from any other part of Her Majesty's dominions abroad; and that in default of the appellant or his agent taking effectual steps for the prosecution of the appeal within such time or times respectively, the appeal shall stand dismissed without further order, and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council, at their Lordships' next sitting.

VI. That, whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Lords of the Judicial Committee, in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same. Provided that nothing herein contained shall, in any way, bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements and simplifications of the matter in dispute, the Registrar of the Privy Council may call the agents of the parties before him, and having heard them, and examined the transcript, may report to the Committee as to the nature of the proceedings.

And Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing Rules and Regulations be punctually observed, obeyed, and carried into execution, in all appeals or petitions and complaints in the nature of appeals brought to Her Majesty, or to Her heirs and successors in Council, from Her Majesty's Colonies and Plantations abroad, and from the Channel Islands, or the Isle of Man, and from the territories of the East India Company, whether the same be from Courts of

CIRCULAR ORDERS OF THE

Justice, or from Special Jurisdictions, other than appeals from Her Majesty's Courts Vice Admiralty, to which the said rules are not to be applied.

Whereof the Judges and Officers of Her Majesty's Courts of Justice abroad, and the Judges and the Officers of the Superior Courts of the East India Company, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

Order in Council, dated 13th July 1853.

The amount of security appears to have been fixed by Resolution or Decisions of the Sudder Courts, and since the year 1846, it has been raised to Rs. 10,000. The Lords of the Judicial Committee have not thought it expedient to interfere with this discretionary power by recommending Her Majesty to establish any fixed and invariable rule on this subject, but their Lordships are of opinion, that as the costs of prosecuting an appeal to England, will be materially diminished by the operation of Her Majesty's order in Council of the 13th June, ultimo, the security required of appellants for costs, ought henceforth to be fixed at Rs. 4,000, except in cases of extraordinary magnitude and importance, in which the Judges of the Courts of Sudder Dewanny Adawlut may think it necessary to require of the appellant, a security to a larger amount, which should in no case exceed Rs. 10,000.

(True Copies.)

H. W. DASHWOOD,

Register.

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CIRCULAR ORDERS
OF THE
SUDDER DEWANNY & NIZAMUT ADAWLUT,
NORTH WESTERN PROVINCES,
FOR 1859.

(COPIES.)

CIRCULAR No. 13, OF 1859.—*To the Judges in the North Western Provinces. Dated
Agra, the 1st July 1859.*

I AM directed to transmit for your information and guidance, copies of the correspondence noted in the margin,* relative to the mode of adjusting in the public accounts deposits refunded under the operation of the Court's Circular, No. 23, dated the 27th December 1858.

From Judge of Meerut, to Register Sudder Court, No. 97, dated 14th ultimo.
From Register Sudder Court, to Accountant, North Western Provinces, No. 1001, dated 20th idem.
From Accountant, North Western Provinces, to Register Sudder Court, No. 20, dated 28th idem.

2nd.—Your attention has been called by a separate Circular of this date, to the Accountant's Circular, No. 424, dated the 17th ultimo.

No. 97 of 1859.—*From G. D. TURNBULL, Esq. Judge, to H. W. DASHWOOD, Esq., Register Sudder Dewanny Adawlut, North Western Provinces, Agra. Dated Meerut, the 14th June 1859.*

With reference to the Court's Circular, No. 23, dated 27th December 1858, calling attention to the Circular Order of the Sudder Board of Revenue, No. 5, of the 15th idem, I have the honor to solicit instructions as to the modes in which orders passed after due enquiry, for the refund of deposits under the rules therein laid down, are to be carried out, (i. e.) how such items of refund are to be adjusted in the accounts, from what department should they be paid, and to what debited.

2nd.—The Circular prescribes, that all deposits coming under the 1st and 2nd rules, are re-payable by Government; but it does not appear that Collectors are authorized, on the simple requisitions of the Civil Courts, to repay such sums, of the existence of which their own office records and accounts afford no proof; and I am in doubt as to whether I should submit separate bills to the Court for their sanction in each separate case, or how I should proceed in order to secure re-payment.

CIRCULAR ORDERS OF THE SUDDER DEWANNY

No. 1001 of 1859.—*From H. W. DASHWOOD, Esq., Register, to the Accountant, North Western Provinces, Agra. Dated Agra, the 20th June 1859.*

SIR,—With reference to the Court's Circular Order, No 23, dated the 27th December last, which was issued on the suggestion contained in your letter No 174, of the 17th idem, I am directed to transmit copy of a letter, No 97, dated 14th instant, from the Judge of Meerut, and to request that you will favor the Court with your opinion upon it.

2nd.—The Court will be obliged by your laying down some definite rules for the adjustment in the public accounts of deposits refunded under the Circular above cited.

No. 20 of 1859.—*From F. LUSHINGTON, Esq., Accountant, North Western Provinces, Agra, to H. W. DASHWOOD, Esq., Register Sudder Dewanny Adawlut, North Western Provinces, Agra. Dated Agra, the 28th June 1859.*

In reply to your letter No 1001, dated 20th instant, I have the honor to state for the information of the Court, that after due enquiry, each application for the refund of deposits, made prior to the outbreak, should be referred to this office, accompanied by a report from the District officer, as prescribed in the printed Circular of this office, No 424, dated 17th instant, a copy of which is herewith forwarded.

2nd.—As all the monetary transactions of the Judges pass through the Collector's accounts, payment of deposits, duly authorized, will be made at the Revenue Treasury of the district. The head of account under which payments should be charged, is "deposits" Revenue or Judicial, as the case may be. These charges, however, will appear in the Revenue Treasury accounts, as the Judges do not render accounts to my office for the reasons above stated. The Judge will, however, include the transactions in his Registers of deposits in the usual way, but without No. and date in those cases where the information is not procurable.

CIRCULAR No. 14 of 1859.—*To the Zillah Judges in the North Western Provinces, and Commissioner of Kumaon. Dated Agra, the 1st July 1859.*

I AM directed to forward, for your information, copy of a Circular issued under date the 17th ultimo, by the Accountant, to all officers in charge of Treasuries in the North Western Provinces, and to desire that you will observe the rule therein laid down as to the mode of reporting upon deposits made prior to the mutiny, and for the repayment of which you may require the sanction of higher authority.

I have, &c.

(Signed) H. W. DASHWOOD,
Register.

CIRCULAR No. 424 of 1859-60.—*From F. LUSHINGTON, Esq., Accountant, North Western Provinces, to all Officers in charge of Treasuries in the North Western Provinces. Dated Agra, the 17th June 1859.*

I HAVE the honor to solicit your particular attention to the orders of the Hon'ble the Lieutenant Governor of the North Western Provinces, conveyed in the

following Extract, para. 3 of letter, No. 1812, of the 10th instant, from the Officiating Under-Secretary to my address, regarding the mode of reporting upon deposits made prior to the mutiny, and for the repayment of which you may require the sanction of higher authority.

Extract para. 3. "His Honor concurs in the suggestion contained in para. 4 of Mr. Grant's letter, viz., that as in many Districts there is nothing to prove the payment, owing to the destruction of records, great care should be taken by the District officer to guard against double payments being made; that there should be a separate report in each case proposed for payment; and that the reporting officer should state, that he is perfectly satisfied that the money was not paid before the outbreak, giving his reasons for coming to that conclusion. His Honor begs that you will issue instructions accordingly to the Collector.

(Signed) F. LUSHINGTON,

Accountant, N. W. P.

(True Copy)

H. W. DASHWOOD,
Register.

CIRCULAR No. 21 of 1859.—*To the Civil and Sessions Judges in the North Western Provinces, Saugor and Nerbudda Territories, and Commissioners of Jhansie and Kumaon Divisions. Dated Agra, the 18th August 1859.*

I AM directed to transmit for your information and guidance, the annexed copies of a letter, No. 2054, dated the 8th instant, from the Secretary to Government, North Western Provinces, and of its enclosures as per margin*.

* Circular of Secretary to Government, North Western Provinces, No. 6, dated 3rd instant.

Circular of the Chief Engineer, North Western Provinces, No. 61, dated 28th June 1859, with enclosures.

I have, &c.

(Signed) H. W. DASHWOOD,

Register.

No. 2054 of 1859.—*From G. COUPER, Esq., Secretary to Government, North Western Provinces, Allahabad, to H. W. DASHWOOD, Esq., Register to the Court of Sudder Dewany Adawlut, North Western Provinces, Agra. Dated Allahabad, the 8th August 1859*

I AM directed by the Hon'ble the Lieutenant Governor to forward the accompanying copy of a Circular, addressed to Commissioners of divisions, the Inspector General of Prisons, the Director of Public Instruction, and Commissioner of Customs, directing them to submit, in the forms furnished by the Chief Engineer, North Western Provinces, all projects which they wish to have executed in their respective circles, in that the agency of the Department Public Works, for inclusion in the annual Budget of the Public Works Department; and to intimate, that if any buildings in the Judicial Department should be required, other than those ordinarily executed by the Public Works Department, application must be submitted by the Court in statements drawn out according to the forms A. B. and C., appended to the accompanying Circular, No 61, dated 28th June, issued by the Chief Engineer, North Western Provinces, which will be compiled from statements of the like kind sent in by the several

Judges, in such time as to admit of the submission by the Court of the amalgamated returns, with plans and estimates of cost, by the 15th November.

I have, &c.

(Signed) G. COUPER,

Secretary to Government, N. W. Provinces.

CIRCULAR No. 6 of 1859.—*From G. COUPER, Esq., Secretary to Government, North Western Provinces, to Commissioner of——. Dated Allahabad, the 3rd August 1859.*

I AM directed to call your attention to the Circular of the Chief Engineer, North Western Provinces, dated 28th June, No. 61, which was sent to your office direct from Agra, containing instructions for the guidance of Executive Engineers in preparing projects, &c., to be included in the Budget, required from the Public Works Department, in the North Western Provinces; and to request that you will render these officers your hearty co-operation, and call upon your subordinates to do the same.

2nd.—I am desired also to request, that you will submit, by the 15th of November next, in the same forms as those annexed to the Chief Engineer's Circular, (omitting, however, "sections" and "subdivisions," such as "Military," "Commissariat," &c., which are of course inapplicable to your returns) all projects which you wish to have executed within your respective Circles, *without* the agency of the Public Works Department, during the ensuing official year of 1860-1861. The cost of all such works is a Public Works charge, though it has hitherto never been exhibited as such; and all such works should be included in the annual Budget which this Government submits to the Government of India.

3rd.—There are many works of this kind. Tehseeldarees, Thannahs, Police Chowkees, Lockup houses, Jails and the like, have never been built by the Public Works Department. Many such buildings were injured or destroyed during the disturbances; the expense of replacing them will be considerable, and must be brought forward as a Public Works charge, and this can only be done by including them in the Budget.

4th.—All specific proposals for entirely new works of the above nature, must be accompanied by plans and estimates.

5th.—Under the Circular of the Department Public Works of this Government, No. 3, dated 7th June, and annexures, charges on account of "repairs" are required to be booked as Public Works charges, and will appear in the Statement C. annexed to the Chief Engineer's Circular, dated 28th June. They will be estimated for in a lump sum for each specific work, or series of works.

6th.—All these projects will be considered at the same time with the Revenue Statement of the Chief Engineer, and Superintendent General of Irrigation, on or as soon as possible after the 15th November of each year, and the Resolution of Government in regard to each project will be communicated to you for guidance.

7th.—The Lieutenant Governor would earnestly impress upon you the absolute necessity which exist for your submitting all projects of this nature in the form, and at the precise date indicated, viz., 15th November, except emergent works, to which the remarks and instructions of the Chief Engineer's Circular will be applicable.

8th.—In these Statements, no works chargeable to the local funds are to be included. The orders in regard to them will stand.

I have, &c.

(Signed) G. COUPER,

Secretary to Government, North

Western Provinces.

CIRCULAR No. 61 of 1859.—From Chief Engineer of the North Western Provinces, to the Officers of the Public Works Department, in the North Western Provinces. Dated Agra, the 28th June 1859.

GENTLEMEN,—As the instructions issued from this office in 1856, for the preparation the Budget or Annual Statement of the probable Financial wants of the Public Works Department, are not generally known to the officers, at present employed in the North Western Provinces, and as in many instances the records of Executive Engineers' offices have been entirely destroyed, I have the honor to request your attention to the following points, and to impress upon you the fact, that the officer who fails to afford the information, &c., required in this office, for the preparation of the Budget, will be responsible to Government for any deficiencies in it.

2nd.—It has been ruled, that all estimates and projects for new works, additions, alterations, and improvements, shall be annually brought under the consideration of the Government of India, in the Budget, after having been collectively passed under the review of the Local Governments, who are prohibited from considering at any other than this one period, subjects of the above nature, unless they are really emergent, in which case they will be immediately sent up, and special orders solicited.

3rd.—The time for the review of annual requirements for Public Works in those provinces has been fixed for the middle of November (the 15th) preceding the official year that will come under consideration; for instance the requirements for 1860-61, will come under review on the 15th November of the present year.

4th.—You are accordingly requested to place yourself in communication with the Civil Officers, Commanding Officers, and the heads of Departments within your Division, and ascertain from them what new works, additions, alterations, or improvements may be required during the ensuing year. If you agree as to the necessity of the measures proposed by these officers, you will immediately prepare the plans, estimates, and reports necessary for giving full information regarding each project, both in reference to grounds of proposals, and to Engineering arrangements; but, should you disagree regarding the necessity of any proposal, you will at once state your objections to the parties concerned, and not submit the project, unless subsequent consideration should induce you to modify your opinion, or the requiring party should specially request you to do so.

The preparation of simple estimates for carrying out additions, alterations, and improvements, should be taken up at once; but in the case of all new works or buildings, I think it desirable that the requisitions be sent to this office, accompanied by rough plans of what is proposed.

It is the desire of Government that all new buildings should, if possible, be constructed according to one fixed or standard design, and it is to save you all the trouble of preparing detailed estimates and drawings, for proposals that may be rejected by Government, owing to the unsuitableness of the designs selected; that I must advise the submission of all requisitions for new works to this office in the first instance. These requisitions would be immediately returned, if unobjectionable, but if otherwise,

approved plans would be sent to you for your guidance in drawing up detailed estimates.

5th.—All projects for new works, fully prepared, as laid down in the first clause of the preceding paragraph, should be despatched from your office to the Superintending Engineer by the 15th of September, in order to allow sufficient time for examination and reference, if necessary; but projects which may subsequently be called for, may be submitted up to the 15th of October; it is, however, expected, that such care and attention will, in the first instance, be given, as will limit the additional projects to those only, which could not have been foreseen.

6th.—It is very desirable that any projects, which may previously be received by you, should be submitted as soon as convenient, and not retained for submission at the period named; but in the case of such works, the requiring officer should be informed that the matter cannot be acted on, until it has been passed under the review of Government at the prescribed period, or been sanctioned as part of the Budget for the ensuing year.

7th.—Works which are considered really emergent, must be submitted at once, with full particulars, but a sound discretion should be exercised in bringing works into this Class, and any difference of opinion on this subject should be settled as laid down in para. 4.

8th.—Renewals of metal on roads not provided for in the actual estimates, are considered to come under the order for new works, and you are particularly requested to notice that these orders refer to all works of the descriptions named (additions, alterations, and improvements), exceeding Rs. 50 in amount.

9th.—Should you be of opinion that you will not be able to meet during the year all the calls on you, those works which cannot be undertaken, must be brought to notice, with a remark to this effect; and in submitting your projects, I have to request, that you will take care to state what extra assistance, if any, you will require for carrying them out.

10th.—The cost of extra Establishment to the executive and office must always be included in the estimate of the project for which required, the former as a part of the rates of work, the latter as a separate item, and accompanied by a detail.

11th.—By the 15th of November of each year, it will be necessary that you should submit rough statements in the forms A. B. and C. herewith sent:—

A. All original works likely to remain unfinished on the 1st May following, and the sums required to complete them.

B. Probable expenditure on account of minor, petty, and emergent works during the ensuing official year.

C. Probable expenditure on account of annual and special repairs during the ensuing official year. The two last statements cannot of course be filled up with that degree of correctness, which is necessary in preparing Statement A., and it will be sufficient for all purposes if the expenditure is estimated in the gross on the experience of the past.

12th.—In preparing the last two Statements, B. and C., you will be careful to observe the Departments and *Sub Divisions* as laid down in the Code at page 148.

13th.—A copy of this Circular will be sent to each Commissioner, and to the heads of each Department in the North Western Provinces, with a request, that the subordinate Civil Officers, (Magistrates and Collectors) may be informed of what is expected of them, and of the nature of the instructions issued to Executive Engineers. Copies will also be sent to Officers Commanding Divisions and Stations, with the same object.

14th.—I request that you will forward a separate letter of acknowledgment on receipt of this Circular, as it is my intention to note the dates of receipt, and to reserve all estimates that you may forward after those dates, for the Budget, unless in your submitting letter, you specially request that the estimates should be treated as for emergent works.

Statement of Original Works likely to be in progress on the 1st May 1860.

Description of Works.	Amount already authorized to be expended.	Actual expenditure to 31st December 1859.	Total probable expenditure up to 30th April 1860.	Proposed expenditure for the year 1860-61.	Sum required for completion.

B.
Statement showing the Probable Expenditure on account of Minor, Petty and Emergent Works, during the year 1860-61.

Station.	Section.	Subdivision.	Minor works, isolated works not exceeding Rs. 10,000 each.	Petty works not exceeding Rs. 1,000 each.	Emergent works above Rs. 1,000 each.	Remarks.
Bareilly.	Military.	Accommodation for troops.				

C.
Statement showing the Probable Expenditure on Annual Special Repairs, during the year 1860-61.

Station.	Section.	Subdivision.	Annual or current repairs.	Special Repairs.	Remarks.
Barcilly.	Military.	Commissariat.			

(True Copy)
 (Signed) - H. W. DASHWOOD,
Register.

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CIRCULAR ORDERS

OF THE

NIZAMUT ADAWLUT,

NORTH WESTERN PROVINCES,

FOR 1859.

CIRCULAR No. 1.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces.*
—*Dated Agra, the 11th February 1859.*

THE Court, at the suggestion of the Commissioner of the Jhansie Division, direct the entry of an additional heading, as per margin,* under letter-A. of the Schedule of miscellaneous offences, to meet cases coming under the Provisions of Act XXVIII. of 1857.

CIRCULAR No. 2.—*From H. W. DASHWOOD, Esquire, Register of the Sudder Dewanny and Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces, Dated Agra, the 14th March 1859.*

THE Court of Nizamut Adawlut having had occasion to observe in several trials, which have recently come before them, either on reference or appeal, that the committing Officer had failed to submit with his proceedings to the Sessions Court, an English calendar of commitment, are pleased to call the attention of the Criminal Authorities to the provisions of Sections 13 and 14, Regulation VI. of 1803, and to direct the invariable preparation of an English calendar, in all cases committed for trial to the Sessions Court. It is the duty of the Sessions Judges to see that this requisition is fulfilled, and to return the case to the committing Officer, whenever they find, on first inspection of the proceedings, that the paper in question has not been drawn up by him.

CIRCULAR No. 3.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces.*
—*Dated Agra, the 23rd March 1859.*

UNDER instructions from the Government, North Western Provinces, the Court are pleased to publish, for general information, the accompanying copies of a letter, dated the 24th December 1858, and of its enclosures, from the Advocate General, to the address of the Secretary to the Government of India, Home Department, relative to the liability to the Mofussil Criminal Courts of persons born in this country lawfully descended from Male European British Subjects, whose mothers, grand-

mothers, or more remote ancestresses, may not have been in any sense British Subjects.

2.—This reference having been irregularly made direct to the Advocate General, the Court would call the attention of the Criminal Authorities to the rule which requires that "All such references should be submitted, in the first instance, to the Nizamut Adawlut, who, if they think fit, will forward them to the Government for transmission to the Advocate General, whose opinion, when received, will be made known to the Court for communication to the referring Officer, and for such further orders as may appear to be necessary."

CIRCULAR No. 4.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces. —Dated Agra, the 23rd March 1859.*

THE Court are pleased to direct the entry of an additional heading, as per margin,* under letter K. of the Schedule of miscellaneous offences, to meet cases coming under the provisions of Act XVIII. of 1854.

CIRCULAR No. 5.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces. —Dated Agra, the 25th April 1859.*

THE Court are pleased to extend to these Provinces the following Circular Order issued by the Calcutta Court, under date the 21st February 1851, and to direct that the instructions contained therein be carefully followed in all cases, in which fines are imposed under the provisions of Act. XVI. of 1850.

(COPY.)

No. 55 OF 1851.

TO THE SEVERAL SESSIONS JUDGES (EXCEPT SESSIONS JUDGE OF MOORSHEDABAD) MAGISTRATES AND JOINT MAGISTRATES IN THE LOWER PROVINCES.—
Lower Provinces, 21st February 1851.

I AM directed by the Court to forward to you, for your information and guidance, the accompanying extract of a letter this day written by their order to the Sessions Judge of Moorshedabad, regarding the execution of orders for levying fine under the Provisions of Act XVI. of 1850.

Extract of a letter No. 140, dated the 21st February 1851, to the Sessions Judge of Moorshedabad.

WITH reference to the question which you put in your 3rd paragraph, the Court are of opinion that the order of a Sessions Judge, directing the levy of a fine under the provisions of Act XVI. of 1850, should not be carried into execution, until the period allowed for appeal has elapsed, and in the event of an appeal being made, until the final sentence has been passed. The same principle must be considered applicable to sentences passed under this Act by the Magistrate or his subordinates.

CIRCULAR NO. 6.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces. —Dated Agra, the 2nd June 1859.*

THE Court are pleased to direct the entry of an additional heading, as per margin,* under letter C. of the Schedule of miscellaneous offences, to meet cases coming under the provisions of Act III. of 1857.

* Cattle trespass under Act III. 1857.

CIRCULAR NO. 8.—*From H. W. DASHWOOD, Esquire, Register of the Nizamut Adawlut, North Western Provinces, to the Criminal Authorities in the North Western Provinces. —Dated Agra, the 11th August 1859.*

THE Court, by desire of Government, publish, for the information and guidance of the Criminal Authorities, copy of the Advocate General's opinion, on a reference from the Government of the Panjaub, as to whether European British Subjects can be compelled to give evidence in the Local Courts, and punished for refusing to do so.

Question I.—1st. I am of opinion that any Court of Justice in the Panjaub and its dependencies, which has power to commit to prison persons subject to its general jurisdiction, has also power to punish by fine or by commitment to prison European British Subjects, who are required by it to give evidence, and who, without lawful excuse, refuse to do so.

2nd. I entertain this opinion, whether Act XXX. of 1841, relating to obstruction to justice, applies to the case of a refusal to give testimony or not.

If it does apply, it is perfectly clear, that the circumstance that the person guilty of the obstruction to justice is a European British Subject, does not exempt him from punishment by fine not exceeding Rs. 200, and in default of payment by imprisonment for a period not exceeding one month. Indeed the whole of Section I. of the Act is framed upon the assumption, that a person subject to the jurisdiction of the Supreme Court, is liable to summary punishment under the Act.

3rd. If the Act does not apply to such a case, I am still of opinion, upon general principles, that a Court in the Panjaub, or other Provinces of British India, similarly situated, has the power of visiting with fine and imprisonment, the contempt of its authority, manifested by an obstinate refusal to give evidence, whatever may be the country and the status of the witness, provided the Court be one, having the power of committing to custody persons subject to its jurisdiction; such a power is, according to the principles of English Law, inherent to every Court of Record, whether the person guilty of the contempt be subject to its general jurisdiction or not, and to constitute a Court of Record, it is only necessary that the Court should be one, having power to award imprisonment. These principles do not rest upon any technical Rule, peculiar to English law, but upon the necessity of arming all Courts of sufficient importance to have the power of imprisonment entrusted to them, with adequate powers to protect themselves against contempt and obstruction of their proceedings, and there seems to be no valid reason why they should not apply to the Courts of this country, where no Regulation or Act prescribes a different course, as to the Queen's Courts at home.

4th. These considerations would probably have led me to a different conclusion as to the power even of the Courts of the Bengal Presidency and its dependencies, from that arrived at by my predecessor, in the opinion set out in the Circular Order of 1st February 1854, and which I need scarcely say is entitled to great weight.

But although in that case I should have hesitated much in advising, that any Court should act upon my view in preference to his, I am clearly of opinion, that there is no legal principle upon which a European British Subject, refusing to give evidence in a Court in the Punjab or its dependencies, or in any Province not annexed to any of the Presidencies, can be exempted from the summary process of fine and imprisonment for his contempt of Court, to which all other witnesses are subject.

Question II.—5th. Whether the Act of 1841 does or does not apply to a mere refusal to give evidence, unaccompanied by any words or conduct disrespectful, or contemptuous in themselves, is an extremely doubtful question, I incline, however, to think that, although in addition to the words “using menacing gestures or expressions,” the words “or otherwise obstructing justice” are used, these latter words only apply to obstructions of the same nature as those specified, *i. e.*, rather to obstructions of a physical or active kind to the Court proceeding with its business generally, than to the obstruction to the due course of justice, in a particular case, by reason of the witness not giving evidence. Had the case rested on the words of the Act alone, I should have thought, that the Act might fairly be held to apply to a deliberated and unauthorized refusal by witness in Court to give evidence when called on by the Court itself to do so. For the words used in this and the following Section, might be satisfied by supposing them to apply to all obstructions of justice, committed in the face of the Court, and thereby interrupting the due course of its regular business, as distinguished by a contempt committed out of Court, such as a refusal to attend upon a summons, or the use of disrespectful words towards the Court beyond its precincts.

6th. But on looking at the state of the law, which the Act intended to remedy, I think it clear that, in the Regulations “obstruction to justice and contempt of Court,” had been treated as offences quite distinct from the refusal of a witness to give evidence. Thus Regulation IV. of 1793, Section 6, and Regulation I. of 1803, Section 2, Clause 2, which prescribe the punishment for refusal to give evidence, are left unrepealed by the Act of 1853, while Regulation XXIII. of 1814, Section 42, and Regulation XII. of 1825, Section 6, which relate to contempts of Court, and obstruction of a different kind, and which themselves had been substituted for earlier provisions empowering the Magistrate to visit such contempts or obstruction, with stripes or imprisonment, are expressly repealed by the Act of 1841. The recital too that sufficient provision is not made for repressing obstruction to justice, appears to point to such obstructions as were dealt with in the Regulation repealed as insufficient, or not dealt with in any Regulation, than to a totally different kind of obstruction, for which an adequate means of repression were provided by Regulations, which the Act left untouched.

7th. If, therefore, the power of the Court, to fine and commit European British Subjects, rested upon the Act alone, I should have thought that no such legal power existed. But as I have a strong opinion that the power exists in Non-Regulation Provinces, independently of the Acts, I do not hesitate to advise, that in any case in which a European British Subject wilfully refused to give evidence before a Court in the Punjab, or in any unannexed Non-Regulation Provinces, having general power to imprison, the Court should proceed to fine him in a sum not exceeding Co.’s Rs. 200, the sum provided by the Act, and in default of payment, to order him to be imprisoned for a period not exceeding one month. The limits of punishment prescribed by the Act should not, in any case, be exceeded. If the Act applies, it would be illegal to go beyond them, and even if it does not apply, it affords a criterion of the extent of fine and imprisonment, which the Legislature thought reasonable. In cases where the party recusant is a rich man, to whom the fine of Rs. 200 will not be an adequate punishment, and it is thought worth while to proceed against him in the Supreme Court, it will be better to prefer a charge before a Justice of the Peace, for refusing to give evidence, and such Justice can hold him to bail to take his trial in the Supreme Court.

Question III.—8th. Under Act of 1853, an European British Subject, who refuses to give his evidence in a Civil Court is, I think, liable to the penalties prescribed by Section 24, to the same extent as any other witness. But that law only applies to the Civil Courts of the Presidency of Fort William at Bengal, and having been passed subsequently to the annexation of the Punjab, cannot be considered as in force in that Province or its dependencies. The main features in which its provisions differ on this head from those of Act XXX. of 1841 are, that the power to fine is extended to Rs. 500, realizable from the witnesses' property, but such fine is not commutable to imprisonment; and the power to imprison is given, until the witness shall consent to give his evidence, instead of for a time certain, *i. e.*, one month on non-payment of the fine. The English law does not, in the absence of express Legislative authority, recognise this power of indefinite imprisonment, but require that a time certain should be specified in the commitment in such cases. It will not be safe, under these circumstances, to adopt the course prescribed by the Act of 1853, against European British subjects refusing to give evidence in Civil Courts in the Punjab. But in all Courts, both Civil and Criminal, it will be safer to adopt the measure of punishment prescribed by Act XXX. of 1841, as the extreme limit in such cases. It will be open to the Court that commits a witness in default of payment of the fine imposed, to order his release before the expiration of the month, or of any shorter period of imprisonment, to which it may have sentenced him on his consenting to give his evidence.

9th. I observe that this is the course which has actually been adopted in regard to witnesses generally by the forms of Civil Procedure for the Punjab, proposed by the Judicial Commissioner. See Section 1, Clause 12, and Section 2, Clause 4, wherein the refusal is properly treated on the footing of a contempt. I consider that the rule thus prescribed is a perfectly proper one, and that it did not require the express authority of the Legislature to warrant it. If, therefore, it has been adopted in the Punjab, with respect to any one class of witnesses, it shall also be applied, I think, to all classes of witnesses alike, including European British Subjects, until the new law of Civil Procedure, Act VIII. of 1859, which contains a clause providing for the refusal of a witness to give evidence, Section 169 is extended to the Punjab by the Governor General in Council.

Question IV.—10th. The right of a Justice of the Peace to fine or imprison a witness, who refuses to answer, has been doubted; but on the whole, I think, the better opinion is that, a Justice, while acting judiciously and not merely ministerially, has the power. He should, however, be very guarded in his exercise of it, and should not, in any case, I think, impose a fine or a period of imprisonment, beyond the limits prescribed for the inferior Criminal Courts established by the East India Company.

Question V.—11th. I do not think that any exemption can be claimed from any of the above penalties, by reason of the European British Subject being a Soldier, either in Her Majesty's Service generally, or Her Majesty's Indian Force, except, perhaps, in the single case of a fine imposed by a Justice of the Peace, as afterwards mentioned, but Soldiers are exempt from imprisonment by the Civil Courts, for all debts not exceeding Rs. 300, and for other matters enumerated in the 52nd Section of the Annual Mutiny Act, and in the 58th Section of the Indian Mutiny Act. But from the grounds of exemption "any charge" of felony or misdemeanor, or any crime or offence, other than the misdemeanor, of refusing to comply, with an order of Justices for the payment of money, are excepted. Now, I think, the refusing to give evidence is a misdemeanor or offence, within the meaning of this Clause, and that, therefore, a Soldier cannot plead his exemption from liability to imprisonment under this provision, where the Court sentence him for such refusal. I doubt, whether even in the case of an order made by a Justice of the Peace to, pay a fine, or in default to be imprisoned for the offence, a Soldier would be absolutely entitled to the exemption; but as the Justice of the Peace has power to com-

mit to prison for contempt, without imposing the alternative penalty of a fine, I think a Justice of the Peace should, if the case be a flagrant one of wilful refusal to give material evidence, commit the witness, where a European British Soldier, without imposing any fine.

12th. I think the power above described, may be exercised by a Magistrate or Justice of the Peace, acting under the provisions of Act XVIII. of 1853, for regulating the sale of liquor in Military Cantonments.

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CIRCULAR ORDERS

OF THE

SUDDER BOARD OF REVENUE,

NORTH WESTERN PROVINCES.

FOR 1859.

(COPIES.)

No. 1 of 1859.—*From W. H. Lowe, Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces, to all Commissioners in the North Western Provinces.—Dated Allahabad, the 11th February 1859.*

THE Government has been pleased, in orders bearing date 3rd December 1858, issued from the Foreign Department, to modify the rule in the orders of Government, in the Revenue Department, dated 15th March 1831, Appendix XXX., page 510, Directions to Collectors.

2nd.—Under the orders last issued, Commissioners are competent to sanction the transfer of pensions from the Treasuries of the North Western Provinces, to those of the Lower Provinces, the Punjab and Oude.

3rd.—In the exercise of this discretion Commissioners are required to observe the previous rule of enquiry into the grounds on which the transfer is applied for; and further as a guard against imposition, it is indispensable that in all cases a narrative of the circumstances under which the pension was originally granted or sanctioned by Government, should be transmitted with a copy of the descriptive roll, and certificate of last payment, to the Commissioner of the division and Treasury office to which such pension is transferred.

Transfer of pensions.

Board prescribe the rule to be observed by Commissioners when sanctioning such transfers.

CIRCULAR ORDER C. OF 1859.—*From W. H. Lowe, Esquire, Secretary, Sudder Board of Revenue, North Western Provinces, to the Commissioners of Meerut, Rohilkhand, Kumaon, Agra, Allahabad, Benares, Jubbulpoor, Jhansie, and Goruckpoor.—Dated Allahabad, the 21st February 1859.*

IN continuation of their Circular No. 1, dated 11th February 1859, regarding the transfer of pensions from one province to another under the authority of a Divisional Commissioner, I am directed by the Sudder Board of Revenue to forward the annexed copy of a letter No. 35, dated 15th January, from the Secretary to Government of India, with the Governor General, to Secretary to Government, North Western Provinces, explanatory of the rule contained in the above Circular.

ABSTRACT.

Transfer of pensions by Commissioners.

In continuation of Circular No. 1, dated 11th February 1859, Board forward copy of a communication from Government explanatory of the rule contained in the Circular.

(COPY.)

No. 358.—*From G. F. EDMONSTONE, Esquire, Secretary to the Government of India, with the Governor General, to W. MUIR, Esquire, Secretary to Government, North Western Provinces.—Dated Allahabad, 15th January 1859.*

I HAVE the honor to acknowledge the receipt of Mr. Under-Secretary Daniell's letter, dated 8th instant, No. B A, and its enclosures, regarding the transfer of pensions from one province to another under the authority of a Divisional Commissioner.

2nd.—In reply I am directed to state, that the Governor General approves of the suggestions made by the Sudder Board of Revenue, North Western Provinces, to the following effect:—1st, that this authority be not extended to political pensions; 2nd, that a narrative of the origin and particulars of each pension proposed for transfer be compiled and sent to the Commissioner, whose authorization is requested, and by him to the office of payment; and 3rd, that such transfers be reported at the time to both the Accountants.

3rd.—These conditions are applicable to the transfer of pensions from Oude to the North Western Provinces and Bengal, as well as from the Punjab to the North Western Provinces and Bengal, and *vice versa*.

CIRCULAR No. 246 OF 1859.—*From E. C. BAYLEY, Esquire, Officiating Secretary to Government, North Western Provinces, to W. H. LOWE, Esquire, Secretary to the Sudder Board of Revenue, North Western Provinces.—Dated Allahabad, the 14th March 1859.*

I AM directed by the Hon'ble the Lieutenant Governor to request, that the Board will at once take steps for the preparation and submission of such Periodical Returns, &c., for the year 1858-59, as must be furnished to this Government in order to the preparation of the General Administration Report of the North Western Provinces, which must be submitted to the Government of India by the end of July next. All your Reports should be received by the 15th of May next at latest.

CIRCULAR ORDER D. OF 1850.—*From W. H. LOWE, Secretary, Sudder Board of Revenue, North Western Provinces, to all Revenue Officers.—Dated Allahabad, the 1st April 1859.*

WITH reference to the accompanying copy of the orders of Government, North Western Provinces, No. 246, dated 14th instant, regarding the preparation and submission of such of the Periodical Returns as are required for the preparation of the General Administration Report of the North Western Provinces, for 1858-59, I am directed by the Sudder Board of Revenue to draw your attention to the following instructions.

2nd.—The usual tabular appendices to the Revenue Administration Reports should be commenced before hand, and filled up as far as practicable, so that entries not capable of insertion till the close of the year, may be entered as soon as possible after it.

3rd.—These tabular appendices, noted below, must be prepared in duplicate, one copy to be sent *direct to the Board's Office*, and the other to the Commissioner's. They must on no account be detained for the Review to be annexed to them. That can follow, if not ready, a day or two after. The earliest possible transmission of the tabular statements to the Board's Office is an absolutely indispensable necessity to admit of the prompt compilation of the general tabular statements for these Provinces.

4th.—The Collector's review should be as succinct as possible and confined to results in each branch of revenue administration. Such as seem to require prominent notice, must be well known before hand, and it would be judicious to prepare the draft in April, leaving actual figured results to be inserted in margin as soon as they can be ascertained.

5th.—It must be clearly understood by all, that the Board will not, as heretofore, detain their General Report, awaiting returns from any district or division. If these are not submitted, "no return" in their statement will indicate the defaulter.

6th.—The tabular statements required are:—

1.—Seasons and fall of rain, *i. e.*, a memorandum of the general character of the season, and of the out-turn of the Rubbee and Khureef harvests, with number of inches of fall, where this has been ascertained.

2.—Statements of Demands, Collections and balances of Land Revenue.

3.—Statements of Dustaks and Tulbana.

4.—Coercive measures, or cases of farm, transfer, sequestration and sales for arrears of Land Revenue.

5.—Summary suits and appeals.

6.—Proprietary mutations.

7.—Complete divisions.

8.—Lapses and resumption of maaf tenures.

9.—Settlements made of the above.

10.—Putwaree's papers.

11.—Amount of realized Abkaree Revenue, from 1st May to 30th April. As the Abkaree Official year differs, a Financial result is all that need be stated, but the amount of Revenue should be shown under each head, Abkaree, Taree, Mooskerat, Opium sold, Casual licenses, and Confiscations. The same return must be obtained from the Abkaree Superintendent of any Military Cantonment, and forwarded with the Collector's statements.

12.—Stamps, receipts and charges.

13.—Miscellaneous Sayer.

14.—Statement of business.

15.—Memo. of Deposits at close of the year.

7th.—Commissioners of Divisions must prepare and submit their statements of summary suits appealed, and statistical précis as soon as possible after the 1st May. The former statement can be prepared at once, and the entries in columns Nos. 1 to 5 and 14 to 17 of the latter also. If there be delay in obtaining the requisite particulars for entries in columns 6 to 12, the statement should be sent with these columns left blank, the entries to be furnished when received.

8th.—All Revenue Officers will take notice, that the order is imperative and must be carried out, and the Board will expect that all will exert themselves and exact from their subordinates, strenuous exertions towards the prompt, complete, and accurate performance of this duty.

9th.—The Land Revenue balance statements A. and B. will continue to be submitted with the requisite explanations as required by standing rules. They should reach the Board not later than July.

10th.—The similar statements for Abkaree should reach the Board's Office in January.

ABSTRACT.

Referring to Government Order No. 246, dated 14th March, Board issue instructions for the guidance of all Revenue Officers in the preparation and submission of the Periodical Returns required for the preparation of the Annual Administration Report for 1858-59.

CIRCULAR ORDER E. OF 1859.—*From W. H. Lowe, Secretary, Sudder Board of Revenue, North Western Provinces, to all Commissioners.—Dated Allahabad, the 9th April 1859.*

I AM directed by the Sudder Board of Revenue to transmit, for the information and guidance of the Collectors of the Districts in your Division, the annexed copy of an extract from the proceedings of the Government of India, in the Financial Department, under date the 8th March 1859, directing the registry of all letters enclosing Government Promissory Notes and Loan Acknowledgments.

ABSTRACT.

Board forward, for information and guidance of Collectors, an extract from the proceedings of the Government of India, in the Financial Department, directing the registry of all letters, enclosing Government Promissory Notes and Loan Acknowledgments.

(COPY.)

"EXTRACT from the proceedings of the Government of India, in the Financial Department, under date the 8th March 1859.

No. 826.

BOMBAY CASTLE, ACCOUNTANT GENERAL'S OFFICE, LOAN BRANCH, THE 14TH
FEBRUARY 1859.

MEMORANDUM.

Receipts can only be obtained from the Indian Post Offices for letters, on which a registry fee is paid. The packets containing Government Securities from the Head Loan Office in Calcutta, do not appear to be registered; but in the absence, of a permanent ordinary Clerk in the Loan Office at Bombay, who can make and testify to, a clear unmistakable entry in the Office Post Book, of the packets which are made under the eye of the Chief Clerk or Assistant, and

also be spared from other duties to deliver the said packets at the Post Office; all packets containing securities, and any particular letters, which require replies, will be registered from this date. If the registry fees exceed what the office contingent allowance will bear, a bill can be submitted to Government from time to time for sanction. The Post Office receipts will be kept on a file in the tin box, in which the chief Clerk keeps papers for disposal, and as the packets or letters are acknowledged, the receipts will be taken off the file, and pasted on the letters to which they refer.

EXTRACT from a letter from the Secretary to the Government of India, in the Financial Department, to the Acting Secretary to the Government of Bombay, No. 1572, dated the 8th March 1859.

Para. 6. The Governor General in Council approves of the orders contained in the Memorandum of the Accountant General at Bombay, dated the 14th ultimo, introducing the practice of registering letters, enclosing Government Promissory Notes and Loan Acknowledgments, forwarded from his Office through the Post Office, and he has been pleased to direct, that the same practice shall be observed by all Public Officers in India, whose duty it is to forward Government Promissory Notes and Loan Acknowledgments through the Post Office.

Ordered,—that a copy of the above be forwarded to the Accountant General to the Government of India, for information and guidance.

Ordered, also,—that a copy be forwarded to the Governments of Madras, Bengal, the North Western Provinces, the Punjab and its dependencies, and the several Accountants in those Territories, for information and guidance.

No. 591 OF 1859.

FINANCIAL DEPARTMENT:

Allahabad, the 24th March 1859.

Copy of the foregoing forwarded to Secretary, Sudder Board of Revenue, N. W. Provinces, for the purpose of being circulated to the several Collectors of Districts.

CIRCULAR ORDER, No. F. OF 1859.—FROM W. H. LOWE, Esquire, Secretary, Sudder Board of Revenue, North Western Provinces, to all Revenue Authorities.—*Dated Allahabad, the 26th April 1859.*

WITH reference to the annexed correspondence* on the subject of lands

* Secretary to Government of India, No. 852, dated 21st January 1859.

Secretary to Government of India, No. 52 B., dated 21st January 1859.

Sudder Board of Revenue, North Western Provinces, No. 517, dated 30th November 1858, therein referred to.

Assistant Secretary to Government, North Western Provinces, No. 284, dated 8th March 1859.

appropriated for the Railway, the Sudder Board of Revenue direct attention of the Collectors of districts in which the line of Railway has been, or may hereafter be taken, to these papers, and especially to the four classes of land, A. B. C. D., required for Railway purposes.

2nd.—It will be necessary for past appropriations to compile a pergunnah register under each class, showing the locality, the extent of land appropriated, the amount of abatement of land Revenue authorized, and the amount of compensation paid in money for loss of profits or tenures, or for houses, trees, tanks wells, &c.

3rd.—The present prescribed statements show all such items in detail either in Vernacular or English record. The aggregate only is required to be shown for each mouzah or township, under the heading of abatement of jumma or compensation in money.

4th.—The cost of extra establishments employed in effecting appropriations for Railway purposes should be charged ratably for each pergunnah, and to the extent of land appropriated under each of the prescribed classes above referred to.

5th.—The required register should be prepared in the annexed form, and forwarded to the Offices of the Commissioner and Sudder Board of Revenue, for record.

6th.—It is required to show results of past appropriations. In future the usual statements will be submitted distinctly for each class of appropriations.

ABSTRACT.

With reference to correspondence noted, the Board circulate rules regarding the compilation of a register of all appropriations of land for Railway purposes in the North Western Provinces.

From MAJOR R. STRACHEY, Officiating Secretary to the Government of India, to Secretary to Government, North Western Provinces, Public Works Department, (No. 852 B.)—Dated Fort William, the 21st January 1859.

I AM directed to forward, for information and guidance, the accompanying copy of a letter addressed to the Officiating Consulting Engineer to Government, upon the subject of land made over to Railway Companies.

2.—It will be seen that the whole of the details connected with the subject are left to the local Government, the Supreme Government having merely laid down the general principal which are to guide the proceedings of all concerned.

3.—The proposals of the Board of Revenue, submitted with your No. 1933, dated the 23rd ultimo, seem to the Hon'ble the President in Council to be unexceptionable; and I am further only to call attention to the necessity for discriminating carefully between the several classes of land in the adjustment between the Railway Company and Government.

From MAJOR R. STRACHEY, Officiating Secretary to the Government of India, to Officiating Consulting Engineer to Government of India, Railway Department, Public Works Department, (No. 852.)—Dated Fort William, the 21st January 1859.

MAJOR Goodwyn's letter No. 2320, dated the 30th September last, having been laid before the Honorable the President in Council, I am directed to communicate the following observations and orders relative to the system to be followed in keeping the record of the land made over to Railway Companies, and to the terms of its occupation. The present instructions will be held to supercede all former orders that have been issued on these subjects.

2.—And first I am to observe, that the business of the Government of India, in reference to the land question, is limited to the determination of principles, and that it need not interfere in matters of detail beyond what may be necessary to see that the principles adopted are not neglected, and that all necessary information is from time to time given to the local Governments under whom the details of this branch of business are carried out.

3.—The President in Council believes that there is little that calls for correction or change in the orders that have been heretofore issued, relative to the terms on which land is provided for Railway purposes; but for convenience and greater precision, I am now to recapitulate the main points to which attention is requisite in dealing with this subject.

4.—The land acquired for Railway purposes may be divided into four Classes, A. B. C. and D. First, Class A., land which Railway Company receives free of charge under the contract with the Government for permanent occupation. Second, Class B., land also provided free of cost, but only for temporary occupation. Third, Class C., the land which the Railway Company has to provide at its own cost. Fourth, Class D., land which does not come into the possession of the Railway Company at all.

5.—Class A. will comprise the land required for the permanent works of the Railway, including the road, with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened. The occupation of this land by a Railway Company will be so far permanent, that it will only cease when their contract expires, and the whole lapses to Government. It is all provided free of charge.

6.—Class B. will contain land essential for the execution of the permanent works of the Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge. Such is land for spoil banks, for extra excavation to make banks, for river diversion, and for the storage of Railway

* This last sort of land is allowed free under the Right Hon'ble the Secretary of State's letter No. 25, of 30th November 1858.

materials held in stock by the Railway Company, pending the construction of the line or their despatch to the works.* The occupation of this class of land will be temporary. On its restoration to the Government, the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer, it will be for the Revenue Officers to dispose of it to the best advantage in the interest of the Government.

7.—Class C. will contain the land which a Railway Company has to provide as its own cost. This is the land which is required for the provision or preparation of materials; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government, without charge, the land on which the works stand, the provision of all materials, and the conveniences requisite for the execution of all works are to be at the cost of the Railway Company. In this class, therefore, will fall all land for brick-making, for quarrying ballast, for roads to works in progress, for houses for persons employed on the works, &c. So also land taken for hotels built in connexion with Railway stations, for houses for engine-drivers, and the like on the line when opened, and for other similar purposes, will come under Class C. It is proper to bear in mind that this land will in part be deteriorated by the use to which it is put, and in part will not be so deteriorated. Further, the occupation of some of it will be temporary, and of some of it may be permanent. In all cases, however, it will be most convenient to deal with the land, in the first instance, in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined as under Class B. by the Railway Officers and Consulting Engineer. On its restoration to Government, the Revenue Officers will examine the condition of the land. If it has not been deteriorated, all claim against the Railway Company will then cease on account of it. If it has been deteriorated, the Revenue Officers will assess the amount of the injury done, and the Railway Company will pay that sum which, like the rent, will be charged against the Railway Capital. In both cases, the Revenue Officers will then further dispose of the land in the best way possible.

8.—Class D. will contain that land which being required in consequence of the works of a Railway, still does not come into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads, either new roads leading to Railway stations, or diversions, or changes of old roads, made necessary by the Railway works.

9.—It may here be observed, that in the opinion of the Government of India, inconvenience is likely to arise if Railway Companies are permitted to hold land on their own account or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A., which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

10.—It is further necessary to point out that houses, trees, tanks, or other property, on land which is not provided free of charge, and for which special payment or compensation is necessary, will be paid for at once by the Railway Company. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue Officers to the best advantage.

11.—All land required for a line of Railway, will be applied for in continuous portions; the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates or mouzahs, pergunnahs, and zillahs in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

12.—The several classes of land will be colored pink, yellow, purple, and green, respectively, in the plans; and the exact purpose to which each parcel of land is to be devoted, will be noticed in the schedule.

13.—Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings, as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

14.—The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with as may be necessary by the Revenue Authorities, under the orders of the local Government. The Revenue Officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land to be determined in the manner above explained.

15.—A complete set of land plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government, by whom a duplicate will be given to the Revenue Board, which in turn will supply Collectors of districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the land plan for the use of the Land Commissioner.

16.—The Consulting Engineer to Government and the local Revenue Authorities will respectively be held responsible for the punctual fulfilment of the foregoing orders in their several Departments, and for the careful record of plans in their respective offices.

17.—All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the local Government. It will be for the latter to see that the necessary steps are taken by the Revenue Authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

18.—It will be necessary for the local Governments to see that a correct register and record of title of all Railway lands, is maintained, for the whole of such lands will one day revert to the Crown. Also that all rents or payments for clearances, &c., chargeable in behalf of Government against the Railway Company, are duly realized.

19.—It is evident that up to the present time these two last named points have, to a great extent, escaped attention; the local Governments will be requested to remedy this, and to make enquiry as to what plan, if any, is now followed in these respects, and what is proposed to be done in future?

20.—The Honorable the President in Council has learned with some surprise from Major Goodwyn's report before quoted, that there is not in existence a complete record or complete collection of plans of the land, which now is or has at any time been in the occupation of the East India Railway Company. The Consulting Engineer

recommends that a systematic revision of the subject should be made under the Railway Chief Engineers, in Bengal and North Western Provinces, respectively, district by district throughout the whole extent of their charges, and that correct land plans should be made on a scale of 150 feet to the inch, in continuous sheets based on the fixed mileage marks of the Railway with proper schedules; the whole to be in every way in accordance with the standard laid down in the earlier portion of this letter.

21.—The President in Council approves of these recommendations, and directs that such plans and schedules shall be prepared as soon as possible. Copies will be forwarded by you to the local Governments, as ordered in the case of new applications when attested by the Consulting Engineer, or his Deputies, for the issue of such orders as the local Governments may consider necessary to ensure a complete record of the title, and an equitable adjustment of all claims of Government against the Railway Companies on account of rent, &c.

22.—In conclusion, I am to point out that it is very essential that there should be for each Railway one set of plans in a regular sequence to show all the land; and that the plans of each Railway Company's estate, after they have once been prepared, should constantly be corrected and always be maintained complete. If mere copies of plans of any fresh pieces of land that may be occupied are deposited for record in separate sheets, without seeing that the record is constantly maintained in a complete form, in a very few years every thing will certainly again fall into confusion.

No. 284 of 1859.

PUBLIC WORKS DEPARTMENT.

Dated Allahabad, the 8th March 1859.

ORDER.—Ordered, that copies of the foregoing be forwarded to the Secretary, Sudder Board of Revenue, for the issue of necessary orders.

(Signed) F. B. OUTRAM,

Asst. Secy. to Govt., N. W. P.

**CIRCULAR ORDERS OF THE
PLAN SHEET NO.**

Railway
District.

Schedule of Land required for the use of the Railway in Mouzah—————

Pergunnah—————

Zillah—————

<i>No. on Plan.</i>	<i>Purpose for which required.</i>	A.	B.	C.	D.
		<i>Coloured pink.</i>	<i>Coloured yellow.</i>	<i>Coloured purple.</i>	<i>Coloured green.</i>
		Land for essentially permanent occupation by regular works and stations.	Land temporarily but specifically required for essential purposes of construction, which will cause deterioration.	Land required for extra tract purposes, which will cause deterioration.	Land required for extra tract purposes, which will not involve deterioration.
1.	Seat of Bank from chain to chain,	108 9 4	0 0 0	0 0 0	0 0 0
2.	Spoil Bank from Balpoor cutting,	0 0 0	18 3 6	0 0 0	0 0 0
3.	For quarrying ballast,... ..	0 0 0	0 0 0	1 3 2	0 0 0
4.	For temporary road from ballast } quarry to line of Railway, ... }	0 0 0	0 0 0	0 0 0	0 3 8
	Total,... ..				

Depy. Consulting Engr. to Govt.

Chief Engineer, Railways.

No. 517 of 1858.—*From W. H. LOWE, Esquire, Secretary, Sudder Board of Revenue, N. W. Provinces, to WILLIAM MUIR, Esquire, Secretary to Government, N. W. Provinces.—Dated Agra, the 30th November 1858.*

I AM desired by the Sudder Board of Revenue to acknowledge the receipt of your letter No. 1479, dated 18th ultimo, respecting lands appropriated for the Railway in the North Western Provinces.

2nd.—Enclosed is a statement, showing the extent of appropriation, amount of abatement of Government jumma, and compensation paid in cash; statements of

which have been presented, passed by the Board, and sanctioned by the Government up to this date, on account of the Railway.

* Ghazepore.
Benares.
Mirzapore.

3rd.—In the districts noted in the margin,* the records having been saved, the full-detail of each item relating to land, tenure, and adjustment is forthcoming.

† Allahabad.
Futtee-pore.
Cawn-pore.
Etawah.
Mynpoorey.
Agra.

4th.—In those also noted in the margin,† the record have been destroyed; and as the native survey and settlement records have also been destroyed, the original details cannot be replaced.

5th.—Where, however, adjustment has been effected, passed and sanctioned, and the land finally occupied by the Railway people, no question is likely to arise. All that seems necessary in such cases is to obtain a register of the appropriations for each mouzah or township in which the land has been taken up, with as full particulars as can be obtained from the village Putwarees, and pergunnah Officers.

6th.—Copy of the abstract statement, compiled from the Board's record, has been furnished to each of the districts last mentioned in the margin, with instructions during the present cold season, to compile a register of adjusted appropriation, with as much accuracy and despatch as possible.

7th.—The Board have desired a precis to be drawn up for each mouzah or township from which appropriation has been made, setting forth the fullest particulars attainable from tangible records, and parties on the spot: each such record, after public recital, to be attested by landholders and other respectable parties.

8th.—On this basis the proposed register will be compiled.

9th.—With regard to non-adjusted or non-reported appropriations, the several Collectors have been instructed to complete the adjustment and transmit the record, as required by standing rules, without further delay.

10th.—With regard to a perfect title to the Railway Company, the Board are of opinion that such can only be derived from the Government itself. Government has the power of appropriating land or other property for public purposes, awarding a fair compensation for the same in due form, irrespective of any defect or dispute of title. Government alone has that privilege, and should concede title to the Railway Company only for Railway uses. It appears to be sufficient, when the record is complete, to grant a title for the land and all thereupon *exceptis excipiendis* for each pergunnah of each district, with detail of area taken from each mouzah or township, to be held by the Railway Company, or Association for the time being, and in all time to come free of all demands of land Revenue, so long as the land is devoted to Railway uses, but to revert to the Government on abandonment thereof.

11th.—With regard to temporary occupation of land for Railway purposes, provided such be within the limits fixed by Act VI., 1857, Section 37, the rule would be the same.

CIRCULAR ORDER II. OF 1859.—From W. H. LOWE, Esquire, Secretary, Sudder Board of Revenue, North Western Provinces, to all the Commissioners of Revenue and Customs.—Dated Allahabad, the 26th April 1859.

I AM directed by the Sudder Board of Revenue to transmit, for the information and guidance of yourself and of the local Officers in your Division, the subjoined extract from a communication from the Foreign Department, dated 7th January 1859, No. 52, requiring controlling Officers on vacating office to record their opinion of the official character and deserts of their subordinates.

CIRCULAR ORDERS OF THE

ABSTRACT.

Requiring controlling Officers on vacating office to record their opinion of the official character and deserts of their subordinates.

EXTRACT from a letter from the Officiating Secretary to the Government of India, to the Secretary to the Board of Revenue, (No. 52.)—Dated the 7th January 1859.

Para. 9. The President in Council desires me to observe, that it is incumbent on every controlling Officer vacating his office during the year, to record a memorandum of his opinion of the official character and deserts of his subordinates, up to the period of his quitting office; and his successor in preparing the annual report should state whether, as far as he has had an opportunity of judging, he agrees with the opinion of his predecessor or not.

(COPIES.)

CIRCULAR No. 2217.—*From the Under-Secretary to the Government of India, to E. C. BAYLEY, Esquire, Officiating Secretary to Government, North Western Provinces, Public Works Department.—Dated Fort William, the 6th April 1859.*

WITH reference to this Office's communication to your address, No. 852 B., of the 21st January last, I am directed to forward to you the accompanying copy of a revised form of schedule for land, which may be applied for by Railway Companies.

PLAN SHEET No.

_____ Railway.

_____ District.

Schedule of Land required for the use of the Railway in Mouzah _____

Pergunnah _____ *Zillah* _____

No on Plan.	Purpose for which required.	CLASS A.	CLASS B.	CLASS C.	CLASS D.					
		Coloured pink.	Coloured yellow.	Coloured purple.	Coloured green.					
		Occupation by Railway Company, permanent.	Occupation by Railway Company, temporary.	Occupation by Railway Company, either permanent or temporary.	Occupation by Government, permanent, not coming into possession of Railway Company.					
		Land for the regular works of the Railway.	Land essential for the execution of the works, but not required after the completion of the line.	Land for the preparation of materials, for contingencies of construction, for dwelling-houses, &c.	Land for diversions of public roads, or for roads to Railway stations.					
		Provided at cost of Government.			Provided at cost of Railway Company.			Provided at cost of Government.		
		B.	C.	Ch.						
1.	Seat of Bank and Cess from to Spoil Bank from	108	9	3	...	...	...	...	...	...
2.	Balpoor cutting,	...	...	...	18	3	6	...	...	...
3.	For quarrying ballast, ...	...	...	...	...	...	...	1	3	2
4.	For temporary road, from ballast quarry to line of Railway.	...	...	...	...	...	...	...	...	...
Total,		...	...	...	...	...	...	...	...	...

(Sd.) A. B.

Dy. Consulting Engineer to Govt.

(Sd.) C. D.

Chief Engineer, Railway.

No. 839 OF 1859.—*Public Works Department, North Western Provinces.—Dated Allahabad, the 26th April 1859.*

Ordered,—that copies of the foregoing be forwarded to Sudder Board of Revenue of the North Western Provinces, in continuation of a docket No. 284, dated 8th March.

CIRCULAR ORDER No. O of 1859.—*From W. H. LOWE, Esquire, Secretary, Sudder Board of Revenue, N. W. Provinces, to the* *Dated Allahabad,—25th July 1859.*

THE Sudder Board of Revenue, with reference to the subject of their Circular Order, 6th January 1858, respecting the conduct of Maafedars, direct the attention of all Revenue Officers in the Regulation districts, of the North Western Provinces, to the annexed extract paragraphs 5 to 11 of the Orders of Government, No. 1162, dated 7th July 1859. All proceedings in the Revenue Department in contravention of the principles laid down in these orders must be revised.

ABSTRACT.

CONDUCT OF MAAFEDARS.

Board annex extract paragraphs 5 to 11 of Government Order No. 1162, dated 7th July, and direct the revision of all proceedings in the Revenue Department in contravention of the principles therein laid down.

*EXTRACT paragraphs 5 to 11 of Government Order, dated 7th July,
No. 1162 of 1859.*

PARAGRAPH 5.—The statement contains 236 cases, which may be classified as follows, with reference to the orders which have been passed upon them by the Officiating Collector:—

I. Cases in which the tenure has been continued *in its integrity*.

II. Cases in which the tenure being perpetual, the continuance of a life-interest only has been permitted.

III. Cases in which the tenure whether perpetual or for life, has been *resumed* owing to the death or absence of the incumbents, or to alleged misconduct of whatever nature.

IV. Cases in which the tenure has been *confiscated* by sentence of a Special Commissioner under the Penal Acts.

6.—The first class of cases calls for no remarks. The interests of the holders are not in any way affected by the enquiry which has been instituted, and the parties in question will of course remain in possession of their lands and rights just as if no investigation had been made.

7.—In regard to the second class of cases, the Officiating Collector has obviously exceeded his authority. It is beyond the competency of the Revenue Authorities to alter the character and conditions of a rent free tenure, which has been judicially confirmed. A perpetual rent free tenure is declared by the Law to be in the nature of a heritable and a transferable property; and every such tenure now existing in these Provinces, above 10 beegahs in extent, has, it is believed, been adjudged under the Law of 1828, to be held on a rightful title. No officer acting in the Revenue Department can set aside this title, so long as heirs entitled to succeed exist, and

the orders, therefore, of the Officiating Collector of Boolandshuhur in respect of this class must be cancelled, except, perhaps, in regard to those tenures, the incumbents of which have no heirs. And even in these latter cases, the orders are premature, and should have been deferred until the demise of the incumbents, when if no heirs entitled to succeed should be forthcoming, the tenure would lapse as a matter of course.

8.—In the third class of cases also the proceedings of the Officiating Collector are for the most part open to question.

I. Mr. Currie, in the Revenue Department, could have no authority to resume a perpetual rent free tenure, owing to the misconduct or offences of the holder, whatever these might be, such a tenure, as already remarked, adjudged to be held on a valid title, is heritable and transferable property, and could be withdrawn from the possession of the holder only by a sentence of confiscation passed on his conviction before a special Commissioner, of an offence to which the penalty of confiscation is attached by the Penal Acts. But the defect in the Collector's jurisdiction is removed by Section 18, Act IX. of 1859, in all cases in which the offence, for which that Officer resumed the perpetual rent free tenure of the offender (or to use the Law's words "attached or seized" the said tenure or property) is an offence for which upon conviction the property of the offender would be forfeited. In such cases the resumption or attachment will hold good as a sentence of confiscation, and its validity cannot be called in question, "unless the offender, within one year after the seizure of the property, shall have surrendered himself for trial, and upon trial before a competent Court shall have been, or shall be acquitted of the offence, and shall prove to the satisfaction of the Court that he did not escape, or keep out of the way for the purpose of evading justice." By way of illustration, it may be observed, that the case of Pilkhanwallah in pergunnah Secundrabad is in point. Here the whole village has been *resumed* by the Collector for participation of the holders in the plunder of Secundrabad, which is an offence involving the penalty of confiscation, or in the words of Section 18, Act IX. of 1859, the village has been seized "by an Officer of Government, as property forfeited or liable to be forfeited to Government," *for an offence for which upon conviction, the property of the offender would be forfeited.*" Another case in point is, that of Murdan Ali, of Moonda Khera, in pergunnah Khoorja, whose share in the tenure has been *resumed* for having joined the rebels and raised the green flag at Kasgunj, and there are others to be found in the statement. In all these cases, *subject always to the condition* that the offence was one, "for which upon conviction the property of the offender would be forfeited;" the Collector's order of resumption, or attachment is equivalent to a sentence of confiscation, and can be called in question only, in the way in which a sentence of confiscation actually passed by a Special Commissioner can be contested. And in order to secure the forfeiture, it will only be necessary that a brief proceeding should be recorded, reciting the offence for which the tenure was resumed, and declaring the said tenure or property in accordance with Section 18, Act IX. of 1859, to have been *de facto* confiscated from the date of the order for resumption. In other cases of perpetual rent free tenures, upon which the provisions of Section 18, Act IX. of 1859, cannot be brought to bear, owing to the offence not being one, "for which the property of the offender would be forfeited," the order for resumption cannot, His Honor apprehends, be maintained.

II. Whenever life tenures may have been resumed by Mr. Currie, as Collector, "for an offence for which upon conviction the property of the offender would be forfeited," the same remarks and instructions will apply. But beyond this there is a distinction. A life tenure is not heritable or transferable property. In the great majority the incumbent is indebted to the *favor* of Government for his holding, or probably occupies on the implied understanding of leading active assistance to the

Government in any emergency. In comparatively few cases, His Honor apprehends, is there an absolute and recognized right of rent free occupancy. Such tenures, it appears to His Honor, may be considered fairly reasonable for misconduct, not amounting to "an offence for which, upon conviction, the property of the offender would be forfeited," and all such cases should be dealt with in conformity with the orders of Government No. 2144, dated 15th December last, circulated with the Board's Circular Order A., dated 9th February 1859. Cases which may thus come under report, should be submitted through the Board, who will forward them with their opinion on each for the orders of Government. But the Officiating Collector should be warned, that mere passive indifference will not be accepted as a sufficient reason for resumption. His Honor agrees with the Board, that the charge of neglect of duty has been, in many instances, pressed against the Maafeders of Boolundshuhur "to an extreme and unjust point."

III. Under this head it is only necessary further to notice the resumptions on account of the death or absence of incumbents. Perpetual tenures, in such cases, will of course descend to the heirs (if any) who may be entitled to the succession. Life tenures of absentees will, after public proclamation, be dealt with as proposed in Clause 3, of paragraph 6 of the Board's letter under acknowledgment.

9.—The IV. Class consists of cases in which the tenure may have been confiscated by the award of a special Commissioner. All rent free lands so confiscated will be disposed of as recommended by the Board in their 6th paragraph, viz.—Integral villages will be assessed and farmed for short periods until final arrangements can be made; and parcels of land will be assessed and settled at once with the Malgoozars of the estate in which they are situated.

10.—The Sudder Board are requested to issue instructions for disposal of the several cases comprehended in the statement, in accordance with the principles above declared, and to deal with any similar statements that may be received from other districts in the same spirit.

11.—It will be convenient, I am to observe, that in statements comprehending numerous entries the case shall be numbered *seriatim*.

No. 2 of 1859.—CIRCULAR ORDER by the Sudder Board of Revenue, N. W. Provinces, to all Revenue Authorities in the N. W. Provinces.—Dated Allahabad, the 3rd August 1859.

THE Sudder Board of Revenue call the attention of the Revenue Authorities in the North Western Provinces, to the provisions of Act X. 1859, which supercede all previous enactments and Circular Orders regarding the relative rights of Malgoozars and Ryots, and the functions of the Collector in adjudicating between them.

2nd.—The following directions and Circular Orders are cancelled:—

Section II. (paragraphs 14 to 52) of the Board's printed Circular Order No. II., dated 3rd January 1840.

Directions to settlement Officers, paragraphs 129 and 130.

Directions to Collectors, Section IV., paragraphs 254 to 278, and paragraph 280.

No. 1, dated 7th January 1842.

" 9 " 11th August 1843.

" 7 " 24th June 1845.

Paragraph 3, Circular Order No. 2, dated 3rd February 1846.

No. 10, dated 30th May 1848.
 " C. " 29th October 1850.
 " 6 " 4th July 1851.
 " 13 " 30th Decr. 1851.
 Circular Order F., dated 20th January 1854.
 " " H. " 14th February 1854.
 " " 6 " 29th September 1854.
 " " 14 " 1st December 1854.
 Notification " 1st June 1855.

Paragraphs 7, 8 and 2627, No. 1, dated 4th January 1856.

Circular Order 15, dated 5th September 1856.

Government Notification 1678, dated 17th September 1856.

Circular Order, 17, dated 26th September 1856.

3rd.—The jurisdiction of the Collector's Court in question relating to the recovery of rent, and the occupancy of land, is no longer summary and partial; it has become regular and exclusive. And exclusive jurisdiction has now been extended to this Court in respect of all claims against enhancement of rent and all claims for abatement of rent.

4th.—By Sections 23 and 24 of the Act, it has been enacted that the following classes of cases shall be cognizable by the Collectors of land Revenue, and shall not be cognizable by the Civil Court except in the way of appeal :—

I. CLASS FIRST.—All suits for the delivery of Pottahs or Kubooliyets, or for the determination of the rates of rent at which such Pottahs or Kubooliyets are to be delivered.

1. Suits for Pottahs and Kubooliyets and their rates.

II. CLASS SECOND.—All suits for damages on account of the illegal exaction of rent, or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress.

2. Suits for damages.

III. CLASS THIRD.—All complaints of excessive demand of rent, and all claims to abatement of rent.

3. Suits against enhancement or for abatement of rent.

IV. CLASS FOURTH.—All suits for arrears of rent due on account of land either Khirajee or Iakkiraj, or on account of any rights of pasturage, forest-rights, fisheries or the like.

4. Suits for arrears of rent.

V. CLASS FIFTH.—All suits to eject any ryot, or cancel any lease on account of the non-payment of arrears of rent, or on account of the breach of the conditions of any contract by which a ryot may be liable to ejectment, or a lease may be liable to be cancelled.

5. Suits for ejectment or cancellation of lease.

VI. CLASS SIXTH.—All suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same.

6. Suits for repossession.

VII. CLASS SEVENTH.—All suits arising out of the exercise of the power of distraint conferred on Zemindars and others by Sections 112 and 114, of the Act, or out of any Acts done under colour of the exercise of the said power.

7. Suits connected with distraint.

VIII. CLASS EIGHTH.—Suits by Zemindars and others on receipt of the rent of land, against any agents employed by them in the management of land or collection of rents, or the sureties of such agents, for money received or accounts kept by such agents in the course of such employment or for papers in their possession.

8. Suits against agents for money or accounts.

agents in the course of such employment or for papers in their possession.

5th.—Monthly returns will be submitted for each district to the Commissioner of the Division in the forms A. and B. attached to this Circular. A. will include all original suits filed in the Courts of Collectors or of Deputy Collectors. B. will shew all appeals brought under Section 155, before the Collector, against the decision of a Deputy Collector.

6th.—Quarterly returns giving an abstract of the district returns A. and B., will be submitted by Commissioners to the Sudder Board in the forms attached. A third quarterly form C. will also be submitted showing the number of appeal filed and decided in the Commissioner's Office.

7th.—The annual statements of Summary Suits formerly submitted with the Administration report (Appendix III, A. B. C.) will be superseded by annual forms similar to the quarterly returns now prescribed.

8th.—Original jurisdiction is permitted to none but Collectors and Deputy Collectors, or to Assistants invested with the powers of Deputy Collector (Section 165 of the Act.)

9th.—Deputy Collectors under Regulation IX., 1833, are expressly excluded from jurisdiction "if entrusted with any Police functions." Their decisions would in that case be invalid and illegal. Collectors will, therefore, be careful not to commit the trial of any cases under Act X. of 1859, to Deputy Collectors of this class, unless they have been entirely divested of Police functions.

10th.—Assistants to the Collector may be advantageously employed when in the interior of the district in conducting the local enquiry allowed by Section 73 of the Act in any cases where such enquiry is necessary.

11th.—Cases may also be referred, as at present, to Tehseeldars for local enquiry and opinion, under the same Section. The authority under which they will act is the same as that provided for Ameens employed by the Civil Courts. Under the existing Law this is contained in Sections 180 and 181 of the Act for Civil procedure No. VIII. of 1859. Those Sections are attached to this Circular.

12th.—By Section 105, the under-tenure on account of which an arrear of rent has been decreed may, if transferable, be brought to sale according to the rules for such sales at the time in force. The present Law is Act VIII. of 1835.

13th.—Where any other under-tenure of a like nature is brought to sale under Section 110, the provisions of the Civil procedure Code, paragraphs 248 *et sequitur* will be followed. If the property be a Malgoozaree share, the Law for sale will be Act I. of 1845.

14th.—The principles and procedure to be followed in the adjudication of these suits are so clearly laid down in the Act itself, that it remains only for the Board to press on all Officers concerned the important nature of the functions now committed to them. The classes of cases of which the exclusive original jurisdiction has been now assigned to the Collector, affect the agricultural population of the country more closely and more widely than any other. Some of them, such as claims for enhancement and abatement, will involve questions of much nicety requiring great care and judgment. Others will be connected with complicated accounts and conflicting evidence. In a very large number of suits the decision of the Collector will be final.

15th.—It is essential that proceedings so important and decisive should be conducted with due deliberation and a careful adherence to the forms of procedure enjoined in the Act.

16th.—Commissioners will see that the proceedings of the Lower Courts are in all respects regular, whenever cases under the Act come under review either in appeal or incidentally; and in their annual circuits this should be a point for special enquiry.

SUDDER BOARD OF REVENUE, N. W. P., FOR 1859.

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ABSTRACT.

Board call attention to Act X. of 1859, which supercedes all previous enactments and Circular Orders regarding the relative rights of Malgoozars and Ryots, and the functions of the Collector in adjudicating between them.

TO BE SUBMITTED BY COLLECTOR MONTHLY TO COMMISSIONER.

A.

STATEMENT of Suits instituted, decided and pending, under Act X. of 1859, in the district of _____ for the month _____

Name of Officers.	Class to which suits belong.	Pending at close of last month.	Instituted during month.	Decided.	Pending at close of month.	Remarks including date of oldest case under each class.
Mr. _____, Collector.	Class I. II. III. VIII.	.				
Mr. _____, Dy. Collector.	Class II. V. VII.					

B.

STATEMENT of appeals to Collector under Section 155, Act X. of 1859, in the district of _____

Number pending at close of last month.	Instituted.	Decided.	Pending at close of month.	Remarks with dates of oldest appeal.

CIRCULAR ORDERS OF THE

TO BE SUBMITTED BY COMMISSIONER TO THE BOARD QUARTERLY.

A.*ABSTRACT quarterly return of Suits under Act X. of 1859, for the quarter of*

DISTRICT	Class to which suits belong.	Pending at close of last quarter.	Instituted during quarter.	Decided.	Pending at close of quarter.	Remarks including date of oldest case of each class and name of officer before whom pending.
Agua, ...	II. III. IV. V. VII.					
Elawah, ...	I. IV. V. VI. VIII.					

B.*QUARTERLY Abstract of appeals to Collectors under Act X. of 1859, for the quarter of*

DISTRICT.	Pending at close of last quarter.	Instituted.	Decided.	Pending at close of present quarter.	Remarks with date of oldest appeal.

C.

*QUARTERLY Return of appeals preferred to Commissioner of
Division under Act X. of 1859, for the quarter of 18*

DISTRICT.	Pending at close of last quarter.	Instituted.	Decided.	Pending at close of present quarter.	Remarks with date of oldest appeal.
.					.

TO BE APPENDED TO THE CIRCULAR ORDER OF THE SUDDER BOARD OF REVENUE,
N. W. P., No. 2 OF 1859.

Act X. of 1839.—(with Index.)

Act VIII. of 1859.

Extracts from the Code of Civil Procedure (Act VIII. of 1859) referred to in the
Circular.—Sections 180, 181, 248 to 272.

ERRATUM.

In the Board's Circular, in the enumeration of Circular Orders cancelled by
Act X. of 1859, FOR

“Notification dated 1st June 1855.”

“Paragraphs 7 and 8, and 26 and 27, No. 1, dated 4th January 1856.”

SUBSTITUTE.

“Circular Order No. 12, dated 1st June 1855 (published in a Notification of the
same date) paragraphs 7, 8, 26 and 27.

“Circular Order No. 1, dated 4th January 1856.”

RECOVERYS OF RENT (BENGAL) ACT.

Arrangement of Sections.

1. Laws repealed and modified.
2. Ryot entitled to a pottah.
3. Ryots holding land at fixed rates to receive pottahs.
4. If rent of land be not changed for 20 years.
5. Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.
6. Right of occupancy of ryot cultivating or holding land for 12 years.
7. Saving of terms of written contracts.
8. Pottahs to which ryots not having rights of occupancy are entitled.
9. Person granting pottah entitled to a counterpart engagement.

10. Exactions in excess of rent or receipt withheld.
Form of receipt.
11. Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.
Payment of rent to be enforced only under this Act.
12. Damages for extorting payment of rent by duress.
13. Enhancement of rent of ryot holding without, or after expiry, &c., of written engagement.
14. Mode of contesting enhancement of rent.
15. Dependent talookdar, &c., holding land at fixed rent without change since permanent settlement not liable to enhancement of rent.
16. Rent of a talookdar, &c., not changed for 20 years, to be *prima facie* evidence of occupancy at that rent since permanent settlement.
17. Grounds on which ryot having right of occupancy is liable to enhanced rent.
18. When ryot may claim abatement of rent.
19. Relinquishment of land by ryot after notice given.
20. What to be deemed an arrear of rent under this Act.
21. Liability of ryot to be ejected for arrear due.
22. Liability of farmer to have his lease cancelled for arrear adjudged due.
23. Cognizance of suits under this Act.
24. Suits by Zemindars against their agents for money or accounts.
25. Ejection of cultivators, farmers, &c., by Zemindars.
26. Measurement of lands.
27. Registry of transfers of talooks, &c.
28. Applications to dispossess grantees of land exempt from revenue.
29. Suits by or against Surburakars or Tehseeldars of estates held khas.
30. Time for commencement of suits generally.
31. Time for commencement of suits for grant of pottahs, &c.
32. Time for the commencement of suits for arrears of rent.
33. Time for the commencement of suits against agents for money, papers, or accounts.
34. Mode of instituting suits. Form of plaint or statement of claim.
35. Statement by whom to be presented.
36. Verification of statement.
Punishment for false verification.
37. Statement of claim to be written on stamped paper.
No stamp duty to be required for filing documents, &c.
38. Documentary evidence to be produced by plaintiff.
39. If plaintiff require production of document from defendant.
40. Form of plaint in suits for arrears of rent.
41. Form of plaint in suits for ejection of ryot, &c., or for recovery of occupancy or possession of land, &c.
42. Statement may be returned or allowed to be amended.
43. Issue of summons; personal attendance of defendant may be required.
44. The day to be specified in the summons how to be fixed. Defendant to be ordered to produce necessary documents and to bring witnesses willing to attend without process.
45. Summons how to be served.
46. Endorsement by Nazir if summons has been personally served, or not.
47. Execution of process in another District.
48. Cost of serving summons or warrant to be deposited in Court.
49. Warrant of arrest in what cases to be issued.
50. Procedure after arrest of defendant.

51. Procedure when defendant is brought before the Collector under warrant. Form of security-bond.
52. Procedure if warrant of arrest cannot be served upon the defendant.
53. Compensation for arrest applied for without reasonable cause.
54. Consequence of neither party appearing on the day of trial.
55. If defendant only appear to dispute the demand, Collector shall pass judgment by default; but if defendant admit the claim, Collector shall decree upon such admission.
56. If plaintiff only appear, Collector may proceed *ex parte*.
57. If defendant appear on a day to which the case is postponed, Collector may allow him to be heard in answer to the suit.
58. Revival, reversal, and alteration of decrees *ex parte* or by default.
59. On appearance of parties, the parties to be examined by the Collector and may cross-examine each other.
60. Examination of parties, &c.
61. Witnesses to be examined.
62. Documentary evidence to be produced by defendant.
63. After examination, Collector may make his decree if no further evidence is required.
64. Consequence of inability of agent to answer.
65. If necessary, Collector to record issue and to fix a day for hearing farther evidence.
66. Parties shall produce their witnesses on the day of trial; or Collector, on application of either party, shall issue summons for the attendance of a witness.
67. Rules regarding attendance, examination, &c., of witnesses.
68. Consequence of parties not appearing on the day fixed for the trial of any issue.
69. Suits instituted or defended by Naibs, Gomastahs, &c.
70. Personal attendance of plaintiff or defendant not required in certain cases.
71. Employment of authorized agents or mookhtars.
72. Collector may grant time or adjourn hearing.
73. Collector may cause local enquiry to be made.
74. Defendant may pay money into Court in satisfaction of the demand.
If plaintiff elect to proceed and ultimately recover no further sum than that paid into Court, he shall be liable to the subsequent costs.
75. No interest on deposits.
76. If on trial of suit for delivery of pottah, parties do not agree as to the time for which the pottah is granted, Collector to fix the time.
77. If in actions for rent a third person appear as claimant, he is to be made a party to the suit.
78. Suits for ejectment or cancellation of lease.
79. Judgment how to be pronounced.
80. If person, required by the decree refuse to grant pottah, Collector may do so.
81. Refusal of person to execute kubooliyet as required by the decree.
82. Mode of executing decree for ejectment or re-instatement of ryot.
Punishment for obstructing execution.
83. Mode of executing decree for cancellation of a lease, or for ejectment or re-instatement of a farmer or tenant.
84. In what case a judgment-debtor may be detained or imprisoned without issue of process of execution.
85. Liability of surety on failure to deliver judgment-debtor into custody.
86. Issue of process of execution.
87. Application for execution against movable property.
88. How long warrant shall continue in force.

89. Second and successive warrants.
90. After one year execution not to issue without notice.
91. Execution not to issue against heir or representative of a deceased party without notice.
92. No process of execution to be issued three years after date of judgment.
93. Warrant against the person.
Limit of Imprisonment.
If arrest be for non-delivery of account.
94. No person to be imprisoned a second time under same judgment.
95. Diet-money to be deposited at the time of issue of warrant.
96. Payment of diet-money in advance during imprisonment.
97. Diet-money to be costs in suit.
98. List of Property to be prepared and proclamation of sale to be published, &c.
99. Custody and sale of movable property taken in execution.
100. Collector may stay sale of movable property seized if a third party claim any interest therein.
101. Collector to adjudicate such claims.
102. Claimant failing to establish his right, liable to pay compensation to judgment-creditor.
103. No appeal from order of Collector under the two last preceding Sections.
104. Sale not vitiated by irregularity in publishing or conducting the same.
105. Sale of transferable tenures in execution of decrees for arrears of rent.
106. If third party claim to be the lawful possessor of such under-tenure, Collector to stay the sale and to enquire into and adjudicate upon the claim.
107. Mode of adjudicating such claims.
108. Execution of decrees given in favor of sharers in undivided estates or tenures.
109. In all cases of decrees for money, if judgment cannot be satisfied by sale of debtor's movable property, execution may be had against his immovable property.
110. Mode of executing process if immovable property be a house or other building.
If it be a saleable under-tenure.
If it be an estate or a share of an estate.
111. Consequence of objection being offered before the sale of any immovable property.
112. Produce of the land to be held hypothecated for the rent.
Arrears of rent may be recovered by distraint under the following rules.
Cultivators who have given security to be exempt from distraint.
113. No distraint in certain cases.
114. Power of distraint to be exercised by managers under the Court of Wards, &c.
115. Standing crops, and crops gathered but not stored, liable to distraint.
116. Defaulter to be served with a written demand, &c., before or at the time of distraint.
117. Distress to be proportionate to the arrear if not paid or tendered.
List of property to be distrained to be served on owner.
118. Standing crops, &c., when attached, to be reaped and stored by the cultivator, or if he neglect to do so, by the distrainer.
119. Distrainer may apply for aid to the Collector upon occasion of resistance made or apprehended.
120. Persons empowered to distrain may give written authority to their servants to do so.
121. Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.
122. Application for sale.

123. Form of application.
Cost of notice upon defaulter to be deposited by distrainer.
124. Procedure by Civil Court Ameen, &c., on receipt of application.
125. Ameen to suspend sale on receipt of Collector's certificate of the institution of a suit.
126. Suit to contest distrainer's demand before issue of notice of sale.
127. Distress to be withdrawn on receipt of Collector's certificate that the owner has executed a bond with security to pay amount of decree with interest and costs.
128. On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.
129. Place and manner of sale of distrained property.
130. If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.
131. Payment of purchase money.
132. Proceeds of sale.
133. Officers holding sales prohibited from purchasing.
134. All irregularities to be reported to the Collector.
Officer not to proceed to sale, if he find that defaulter has not received due notice.
135. Recovery of expenses, if Ameen proceeds to place of sale and no sale takes place.
136. Proceedings of Civil Court Ameens, &c., subject to revision and orders of Collectors.
137. Second proclamation of sale.
138. Procedure after institution of suit to contest distrainer's demand.
139. Any person, whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer, &c.
140. Procedure if distrainer's right to distrain be disputed.
141. Persons prevented from suing in time to save their property from sale may sue for damages.
142. Also persons aggrieved by any illegal act of distrainer.
143. Unlawful distraint.
144. Time for commencing suits for damages.
145. Resistance of distraint.
146. Service of process.
147. Resistance of process.
148. Collector competent to hold a Court in any part of his jurisdiction.
149. Agents or mookhtars.
150. Powers of Deputy Collectors.
151. Collectors and Deputy Collectors to be subject to direction and control of the Commissioners and the Boards of Revenue.
No appeal from orders of Collectors and Deputy Collectors in certain cases.
152. Time for presenting appeals from orders.
153. No appeal from any decree of Collector for money below 100 Rupees, unless the decision involve some question of right to enhance rents, or some question relating to a title to land.
154. In suits not open to appeal, Collector may grant a re-hearing upon the discovery of new evidence, &c.
155. Appeal from decision of Deputy Collector.
156. Petition of appeal to be on stamp paper, &c.
157. Procedure in appeal.

158. Re-admission of appeal.
159. Judgment in appeal.
160. In what suits appeal to lie to Zillah Judge, and in what to Sudder Court.
161. Rules regarding presentation and hearing of appeals.
162. Suits to be preferred in the Revenue Office of the District or Sub-division in which the greater part of the lands is situate.
163. Except as above, Collector not to exercise jurisdiction in respect to lands situate beyond his District.
164. Deputy Collector entrusted with Police functions, not to exercise judicial powers under this Act.
165. What powers to be exercised by Assistants to Collectors.
166. Saving of rights of proprietors in respect of Putnee Talooks, &c., under Regulation VIII. 1819.
167. Commencement of Act.
168. Interpretation.

ACT No. X. OF 1859.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 29th April 1859.)

An Act to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to re-enact with certain modifications the provisions of the existing law relative to the rights of ryots with respect to the delivery of pottahs and the occupancy of land, to the prevention of illegal exaction and extortion in connection with demands of rent, and to other questions connected with the same; to extend the jurisdiction of Collectors, and to prescribe rules for the trial of such questions, as well as of suits for the recovery of arrears of rent, and of suits arising out of the distraint of property for such arrears; and to amend the law relating to distraint; It is enacted as follows:—

I. The following Regulations and Acts and portions of Regulations and Acts are hereby repealed, except in so far as they repeal any other Regulation or Act, and except as to proceedings commenced before the date of this Act coming into force, namely:—

Regulation VII. 1793, (*to empower landholders to distrain and sell the personal property of ryots, &c.*)

So much of Regulation IV. 1794, (*to determine disputes regarding the grant of pottahs to ryots, &c.*) as is still in force.

Regulation XXXV. 1795, (*for better enabling individuals to recover arrears of rent or revenue due to them.*)

Regulation XLV. 1795, (*to empower landholders in the province of Benares to distrain, &c.*)

Sections IX. and X., Regulation LI. 1795, (*respecting ryotly pottahs in the province of Benares.*)

Sections I. to XX., Regulation VII. 1799, (*to enable landholders to realize their rents with greater punctuality, &c.*)

Sections I. to XX., Regulation V. 1800, (*to enable landholders in the province of Benares to realize their rents with greater punctuality, &c.*)

Regulation XXVIII., 1803, (to empower landholders in the ceded provinces to distrain, &c.)

Sections IX. and X., Regulation XXX., 1803, (prescribing rules for the grant in the ceded provinces of pottahs to ryots, &c.)

Section IV., Regulation II., 1805, (to provide a limitation of time for certain suits, &c.)

Section XIX., Regulation VIII., 1805, (for extending certain Regulations to the ceded and conquered provinces, &c.)

Sections V. to XXIII., Regulation V., 1812, (for amending some of the rules at present in force for the Collection of the land revenue.

Sections XV. and XVI., Regulation XIX., 1817, (for amending certain Regulations in force relative to process for recovery of rent, &c.)

Section XXVII., Regulation XX., 1817, (relating to resistance to distraint for arrears of rent, &c.)

Sections XVIII. and XIX., Regulation VIII., 1819, (relating to pottah talooks and the system established for the collection of rents generally, &c.)

Section IV., Regulation II., 1821, (relating to the duties of city and Zillah judges &c.)

Section XXII., and so much of Section XX., and the following Sections of Regulation VII., 1822, (relating to the settlement of the land revenue in the ceded provinces and Cuttack, &c.) as apply to suits for rent, to complaints of excessive demand or undue exaction of rent or of the non-delivery of pottahs or receipts, to suits against agents for money or accounts, or to any other suits or complaints arising out of disputes between landholders or farmers and their under tenants respecting the rent and occupancy of land.

Regulation XIV., 1824, (for modifying the rules in force for referring to the Collector summary suits in cases of arrears or exaction of rent.)

Regulation VIII., 1831, (for amending the existing provisions relative to the trial of summary suits and claims for arrears or exactions of rent.)

Act I., of 1839, (relating to the appointment of persons to sell property distrained for the recovery of arrears of rent.)

Act X., of 1846, (for regulating the proceedings in certain cases of distraint for arrears of rent)—and

Act VIII., of 1848, (to modify the provisions of Sections IX., X., XI., and XIII. of Regulation V., 1812, of the Bengal Code.)

Sections XIV., and XV. Regulation IX., 1833, (for the more speedy decision of certain suits, and for enforcing the production of village accounts, &c.) so far as the same are applicable to the Territories under the Government of the Lieutenant Governor of Bengal, are also repealed.

Such parts of Regulation VIII., 1793, (prescribing rules for the decennial settlement of the public revenue in Bengal, Behar, and Orissa, &c.) and Regulation XXX., 1803, as relate to the adjudication of penalties for the refusal of pottahs and receipts for rent, and for the exaction of any sums as abwab or in excess of the amount specified in any engagements for the payment of rent, and such parts of Section XXVI., Act I., of 1845 (to amend Act No. XII., of 1841, entitled "an Act for amending the Bengal Code in regard to sales of land for arrears of revenue"), as relate to the enhancement of rents and the ejection of tenants by the purchaser of an estate sold for arrears of Government revenue, are declared subject to the following modifications.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:—

Ryot entitled to a pottah.

The quantity of land ; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered, and the time and manner of delivery.

III. Ryots who, in the provinces of Bengal, Behar, Orissa, and Benares, hold lands at fixed rates of rent, which have not been changed from the time of the permanent settlement, are entitled to receive pottahs at those rates.

Ryots holding land at fixed rates to receive pottahs.

IV. Whenever,

If rent of land be not changed for 20 years.

in any suits under this Act, it shall be proved that the rent at which land is held by a ryot in the said provinces has not been changed for a period of 20 years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

V. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

VI. Every ryot,

Right of occupancy of ryot cultivating or holding land for 12 years.

who has cultivated or held land for a period of 12 years, has a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on of the same ; but this rule does not apply to khomar, neejote, or seer land belonging to the proprietor of the estate or tenure, and let by him on lease for a term or year by year, nor (as respects the actual cultivator) to lands sublet for a term or year by year by a ryot having a right of occupancy. The holding of the father, or other person from whom a ryot inherits, shall be deemed to be the holding of the ryot within the meaning of this Section.

VII. Nothing contained in the last preceding Section shall be held to affect

Saving of terms of written contracts.

the terms of any written contract for the cultivation of land entered into between a landholder and a ryot when it contains any express stipulation contrary thereto.

VIII. Ryots not

Pottahs to which ryots not having rights of occupancy are entitled.

having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

IX. Every person who grants a pottah is entitled to receive from the person

Person granting pottah entitled to a counterpart engagement.

to whom the pottah is granted a kubooleyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kubooleyet from such ryot.

X. Every under-tenant or ryot, from whom any sum is exacted in excess of

Exactions in excess of rent or receipt withheld.

the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to

recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of receipt.

XI. The power heretofore vested in zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them other than are authorized by the provisions of this Act.

XII. If payment of rent, whether the same be legally due or not, is extorted from any under tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

XIII. No under tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate; and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in or before the month of Chait, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally on the under tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence, or if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal, or at some other conspicuous place in the village in which the land is situate.

XIV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

XV. No dependent talookdar or other person possessing a permanent transferable interest in land, intermediate between the proprietor of an estate and the ryots, who in the Provinces of Bengal, Behar, Orissa, and Benares, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the permanent settlement, shall be liable to any enhancement of such rent, any thing in Section LI., Regulation VIII., 1793, or in any other law, to the contrary notwithstanding.

XVI. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said Provinces, has not been changed for a period of 20 years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the permanent settlement, unless the contrary be shown, or it be proved that such rent was fixed at some later period.

XVII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds, namely :—

Group ds on which ryot having right of occupancy is liable to enhanced rent.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the value of the land, &c. has increased independently of the ryot.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

That the quantity of land held by the ryot is greater than he has paid rent for.

XVIII. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

XIX. Any ryot, who desires to relinquish the land held or cultivated by him shall be at liberty to do so, provided he gives notice of his intention in writing to the person entitled to the rent of the land or his authorized agent in or before the month of Chait of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land or his agent refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIII.

XX. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable, according to established usage, shall be held to be in arrear of rent under this Act, and unless otherwise provided by written agreement, shall be liable to interest at 12 per centum per annum.

What to be deemed an arrear of rent under this Act.

When ryot may claim abatement of rent.

Relinquishment of land by ryot after notice given.

XXI. When an arrear of rent remains due from any ryot at the end of the Bengal year, or at the end of the month of Jeth of the Fuslee or Willayuttee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due. **Provided** that no ryot, having a right of occupancy or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of ryot to be ejected for arrear due.

Proviso.

XXII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected. **Provided** that no such lease shall be cancelled, nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

Proviso.

XXIII. 1.—All suits for the delivery of pottahs or kuboohyets, or for the determination of the rates of rent at which such pottahs or kuboohyets are to be delivered;

Cognizance of suits under this Act.

2.—All suits for damages on account of the illegal exaction of rent or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress;

3.—All complaints of excessive demand of rent, and all claims to abatement of rent;

4.—All suits for arrears of rent due on account of land either kherajee or lakheraj, or on account of any rights of pasturage, forest rights, fisheries, or the like;

5.—All suits to eject any ryot, or to cancel any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of any contract by which a ryot may be liable to ejection, or a lease may be liable to be cancelled;

6.—All suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same;

7.—All suits arising out of the exercise of the power of distraint conferred on zemindars and others by Sections CXII. and CIV. of this Act, or out of any acts done under color of the exercise of the said power as hereinafter particularly provided;

Shall be cognizable by the Collectors of land revenue, and shall be instituted and tried under the provisions of this Act, and except in the way of appeal as provided in this Act, shall not be cognizable in any other Court, or by any other Officer, or in any other manner.

XXIV. Suits by zemindars and others in receipt of the rent of land, against any agents employed by them in the management of land or collection of rents, or the sureties of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession, shall be cognizable by the Collectors, and shall be instituted and tried under the provisions of this Act, and shall not be cognizable in any other Court except in the way of appeal as provided in this Act.

Suits by Zemindars against their agents for money or accounts.

XXV. If any zemindar or other person in receipt of the rent of land requires assistance to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or

Ejection of cultivators, farmer, &c., by Zemindars.

tenancy or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorized by any Regulation or Act, he shall make application to the Collector, and the Collector shall proceed thereupon to enquire into the case and pass orders in the manner provided for suits under this Act.

Proviso.

Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received, if the lease be of the kind denominated *ticca zur-i-peshgee* or the like, in which an advance has been made by the lease-holder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance either in money or by the usufruct of the land. In all such cases the parties must proceed by suit in the Civil Court.

XXVI. When rent is payable by an under-tenant or ryot at a certain rate or

Measurement of lands.

rates according to the quantity of land held or cultivated by him, or when any written engagement conditioned for the payment of a certain amount of rent on account of land held or cultivated by an under-tenant or ryot has expired or become cancelled by the sale for arrears of revenue or rent of the estate or tenure in which the land is situate, the person to whom the rent is payable has a right to measure such land for the purpose of ascertaining the quantity of land actually held or cultivated by such under-tenant or ryot, and every proprietor of an estate or tenure has a right of making a general survey or measurement of the lands comprised in such estate or tenure, unless restrained from doing so by express engagement with the occupants of the lands. If any person intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land, or if any under-tenant or ryot having received notice of the intended measurement of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and shall pass an order, either allowing or disallowing the measurement, and if the case so require, enjoining or exusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot after the issue of an order enjoining his attendance neglects to attend, it shall not be competent to him to contest the correctness of the measurement made in his absence.

XXVII. All dependent talookdars and other persons possessing a permanent

Registry of transfers of talooks, &c.

transferable interest in land intermediate between the zemindar and the cultivator, are required to register in the Sherishtch of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable; all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers, when made in good faith, and all such successions and divisions. If any zemindar or superior tenant refuse to admit to registry, or otherwise give effect to any such transfer or succession, the transferee or successor may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and if no sufficient grounds are shown for the refusal, shall pass no order enjoining the Zemindar or superior tenant to admit to registry, and otherwise give effect to such transfer or succession. Provided that no

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Zemindar or superior tenant shall be required to admit to registry, or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding, without the consent in writing of the Zemindar or superior tenant.

XXVIII. So much of Section X., Regulation XIX., 1793; Section X., Regulation XII., 1795; Section VI., Regulation XXXI., 1803; Section XXI., Regulation VIII., 1805, and Section XXIV., Regulation XII., 1805, as authorizes and requires proprietors and farmers of estates, and dependent talooks in cases in which grants for holding land exempt from the payment of revenue have been made subsequent to the dates specified in the said Sections, of their own authority, to collect the rents of such land, and to dispossess the grantees of the proprietary right in the land, and to re-annex it to the estate or talook in which it may be situate, is repealed; and any proprietor or farmer who may desire to assess any such land, or to dispossess any such grantee, shall make application to the Collector, and such application shall be dealt with as a suit under the provisions of this Act. Every such suit shall be instituted within the period of twelve years from the time when the title of the person claiming the right to assess the land, or dispossess the grantee, or of some person claiming under him, first accrued. If such period has already elapsed, or will elapse within two years from the date of the passing of this Act, such suit may be brought at any time within two years from such date.

XXIX. All suits which under the provisions of this Act may be brought by or against Surburakars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tuhseeldars of estates held khas. Such estates are the property of Government, or of individuals. If the Collector or the Surburakar or Tuhseeldar of any such estate in the Provinces of Bengal, Behar, and Orissa, proceed against any defaulting ryot or under-tenant of such estate under the powers vested in him by Section XXV., Regulation VII., 1799, and not according to the provisions of this Act, such ryot or under-tenant may contest the demand on account of which he is so proceeded against by suit in the Civil Court.

XXX. Except as otherwise herein provided, all suits instituted under this Act shall be commenced within the period of one year from the date of the accruing of the cause of action.

XXXI. Suits for the delivery of pottahs or kubooliyets and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

XXXII. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeth of the Fuslee or Willayuttee year in which the arrear claimed shall have become due. For arrears of rent due at the passing of this Act, suit shall be brought within three years after the passing of this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. Provided that, if the suit be for the recovery of rent at a higher rate than was payable in the previous year, of such rent having been enhanced after issue of notice under Section XIII., and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of Jeth of the Fuslee or Willayuttee year, on account of which such enhanced rent is claimed.

XXXIII. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency, or within one year after the determination of the agency of such agent, or in the case of claims now existing within one year after the passing of

this Act, or within the period now allowed for the institution of such suits in the Civil Court, whichever may first expire. Provided that, if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case (except the case of claims now existing as aforesaid) be brought at any time exceeding three years from the termination of the agency.

XXXIV. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim which shall contain the name, description, and place of abode of the plaintiff; the name, description and place of abode of the defendant, so far as they can be ascertained; the substance of the claim, and the date of the cause of action.

Mode of instituting suits.
Form of plaint or statement of claim.

XXXV. The statement of claim shall be presented by the plaintiff, or by an authorized agent of the plaintiff who has personal knowledge of the facts of the case, or by an agent who shall be accompanied by a person who has such knowledge.

Statement by whom to be presented.

XXXVI. The statement of claim shall be subscribed and verified at the foot by the plaintiff or his agent in the manner following, or to the like effect:

Verification of statement.

I, A. B., do declare that the above statement is true to the best of my knowledge and belief.

If the statement shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false verification.

XXXVII. In suits for the recovery of arrears of rent or of money in the hands of an agent, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Court. In all other suits the statement shall be written on paper bearing a stamp of the value of eight annas.

Statement of claim to be written on stamped paper.

No stamp duty to be required for filing documents, &c.

XXXVIII. If the plaintiff rely in support of his claim or any document in his possession, he shall deliver the same to the Collector at the time of presenting his statement of claim. Unless such document be delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Documentary evidence to be produced by plaintiff.

XXXIX. If the plaintiff require the production of any document in the possession or power of the defendant, he may, at the time of presenting his statement of claim, deliver to the Collector a description of the document in order that the defendant may be required to produce the same.

If plaintiff require production of document from defendant.

XL. If the suit be for the recovery of an arrear of rent, the statement shall specify the name of the village and estate, and of the Pergunnah or other local division in which the land is situate; and if the arrear is alleged to be due from any ryot, the quantity of land, and where fields have been numbered in a Government Survey, the number of each field, the yearly rent of the land, the amount (if any)

Form of plaint in suits for arrears of rent.

received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

XLI. If the suit be for the ejection of a ryot, farmer, or tenant from any land, farm, or tenure, or for the recovery of the occupancy or possession of any land, farm or tenure, the statement shall describe (as circumstances may require) the extent, situation, and designation of the same; and if necessary for the identification of the land, shall set forth the boundaries of such land.

Form of plaint in suits for ejection of ryot, &c., or for recovery of occupancy or possession of land, &c.

XLII. If the statement of claim do not contain the several particulars hereinbefore required to be specified therein, or be not subscribed and verified as hereinbefore required, the Collector may return the statement to the plaintiff, or at his discretion allow it to be amended.

Statement may be returned or allowed to be amended.

XLIII. If the statement of claim be in proper form, the Collector, except as otherwise hereinafter especially provided, shall direct the issue of a summons to the defendant, and if the plaintiff require the personal attendance of the defendant, and satisfy the Collector that such personal attendance is necessary,

Issue of summons: personal attendance of defendant may be required.

or the Collector of his own accord require such personal attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons, otherwise the summons shall order the defendant to appear personally or by an agent duly authorized on his behalf, who has personal knowledge of the subject, or who shall be accompanied by a person who has such personal knowledge.

XLIV. The day to be specified in the summons shall be fixed with reference to the state of the file, and the distance that the defendant may be or be supposed to be at the time from the place where the Court is held, and the summons shall order the defendant to produce any document which he may have in his possession, of which the plaintiff demands inspection, or upon which the defendant may intend to rely in support of his defence. It shall also enjoin him to bring with him his witnesses if they are willing to attend without issue of process; and shall be in the form (A) contained in the Schedule to this Act, or to the like effect.

XLV. The summons shall be served by delivering a copy of the summons to the defendant personally when practicable; or if the summons cannot be served on the defendant personally, by affixing a copy of it to some conspicuous part of his usual place of abode, and also affixing a copy of the same in the Collector's Office.

Summons how to be served.

XLVI. If the summons be served personally, the Nazir shall endorse on the summons the fact of such service. If personal service be not effected, the Nazir shall endorse on the summons the reason of not serving it personally, and how it has been served.

Endorsement by Nazir if summons has been personally served or not.

XLVII. If the usual place of abode of the defendant be in another District, the summons, together with the cost of the service thereof, shall be sent by the public post to the Collector of such District, who shall issue the summons and return the same, after service with the prescribed endorsement, to the Officer by whom it was transmitted to him.

Execution of process in another District.

XLVIII. The amount of the cost of serving the summons, or if a warrant be issued as provided in the next succeeding Section, of serving the warrant, shall in all cases be deposited in Court upon the same day, or the day next following that on which the plaint or statement of claim is presented to the Collector.

Cost of serving summons or warrant to be deposited in Court.

If the said amount be not so deposited (except in cases in which the Collector may allow the issue of summons free of cost under the discretion reserved to him in Section CXLVI.), the case shall not be brought on the file of suits; but in such case the plaintiff may present another plaint at any time within the period allowed by the rules for the limitation of actions.

XLIX. If in any suit against an under-tenant or ryot for the recovery of an arrear of rent, or against an agent for the recovery of any money, papers, or accounts, the plaintiff desires a warrant of arrest to be issued against the defendant, such defendant being resident within the district in which the suit is instituted, he shall present with his statement of claim an application for the issue of such warrant. When such application is presented, the Collector shall examine the plaintiff or his agent, on his oath or affirmation or otherwise according to the law for the time being in force in relation to the examination of witnesses, and inspect the documents adduced by him in support of his claim, and if there be *prima facie* grounds for believing the claim to be well-founded; and that, if a summons be issued, the defendant will abscond instead of appearing to answer the claim, the Collector may issue a warrant for the arrest of the defendant. The Collector shall fix a reasonable time for the return of the warrant which shall be in the form (B) contained in the Schedule to this Act or the like effect, and the officer entrusted with the service of the warrant shall at the time of arresting the defendant deliver to him a notice addressed to the defendant (which shall be in the form (C) in the Schedule or to the like effect) containing the particulars of the claim, and requiring the defendant, if he contest the claim, to bring with him any document upon which he may intend to rely in support of his defence. But no such warrant shall be issued in a suit for arrears of rent due in respect of a dependant talook or other transferable tenure, which, as hereinafter provided, is liable to sale in execution of any decree which may be passed in the case.

L. If a defendant be arrested under the warrant of arrest, he shall be brought, with all convenient speed, before the Collector, and the Collector shall commit him to custody unless he deposit in Court such sum as may be specified in the notice.

LI. When a defendant is brought before the Collector under warrant, the Collector shall, with all convenient speed, proceed to try the case in the manner hereinafter provided; and if the suit cannot be at once adjudicated, the Collector may, if he think fit, require the defendant to give security for his appearance whenever the same may be required at any time whilst the suit is depending, or until execution of the final decree which may be passed thereon, and may commit the defendant to the Civil jail to be there detained until he shall furnish such security or deposit such sum as the Collector shall order. The security-bond shall be in the form (D) contained in the Schedule to this Act, or to the like effect.

LII. If the defendant cannot be arrested under the warrant, the Collector, on the application of the plaintiff, shall either postpone the case for such period as he may think proper, in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, or shall forthwith issue a proclamation to be affixed in his own Office, and at the residence of the defendant, fixing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of the notice, at the residence of the defendant. If the defendant shall appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding Section.

LIII. If it shall appear to the Collector that the arrest of the defendant was applied for without reasonable cause, the Collector may in his decree award to the defendant such sum not exceeding one hundred Rupees as he may deem a reasonable compensation for any injury or loss which the defendant may have sustained by reason of such arrest, or of his detention in jail during the pendency of the suit.

Compensation for arrest applied for without reasonable cause.

LIV. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial as hereinafter provided, neither of the parties appear in person or by an agent, the case shall be struck off, with liberty to the plaintiff to bring a fresh suit unless precluded by the rule for the limitation of actions.

Consequence of neither party appearing on the day of trial.

LV. If on any such day the defendant only appear, the Collector shall pass judgment against the plaintiff by default unless the defendant admit the cause of action, in which case the Collector shall proceed to give judgment for the plaintiff upon such admission without costs, provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

If defendant only appear to dispute the demand, Collector shall pass judgment by default; but if defendant admit the claim, Collector shall decree upon such admission.

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LVI. If on any such day the plaintiff only appear, the Collector, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff, and any documentary or oral evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day for the attendance of any witness the plaintiff may wish to call, or may pass judgment *ex-parte* against the defendant.

If plaintiff only appear, Collector may proceed *ex-parte*.

LVII. If the defendant shall appear on any subsequent day to which the hearing of the suit may be postponed under the last preceding Section, the Collector, may upon such conditions, if any, as to costs or otherwise as he may think proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

If defendant appear on a day to which the case is postponed, Collector may allow him to be heard in answer to the suit.

LVIII. No appeal shall lie from a judgment passed *ex-parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance. But in all such cases if the party against whom judgment has been given shall appear, either in person or by agent, if a plaintiff within fifteen days from the date of Collector's order, and if a defendant within fifteen days after any process for enforcing the judgment has been executed, or at any earlier period, and shall show good and sufficient cause for his previous non-appearance, and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms and conditions as to costs, or otherwise as he may think proper, revive the suit and alter or rescind the decree, according to the justice of the case. But no decree shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Revival, reversal, and alteration of decrees *ex-parte* or by default.

LIX. When both parties appear in person or by agent on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason to be recorded by the Collector, the Collector shall proceed to examine such of the parties as may be present, and either party

On appearance of parties, the parties to be examined by the Collector, and may cross-examine each other.

or his agent may cross-examine the other. If either of the parties be not bound to attend personally, any agent by whom he shall appear, or any person who shall accompany such agent, shall be examined and cross-examined in like manner as the party himself would have been if he had attended personally. At the time of examination the defendant, if he think fit, may file a written statement of his defence.

LX. The examination of the parties or their agents, or such other persons as
 Examination of parties, aforesaid, shall be upon oath or affirmation or otherwise accord-
 Ac. ing to the law for the time being in force relative to the ex-
 amination of witnesses. The substance of the examination shall be reduced to writing in the vernacular language of the Collector, and filed with the record.

LXI. If either of the parties shall bring forward a witness on such day, the
 Witnesses to be examined. Collector may take the evidence of such witness.

LXII. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the first hearing of the
 Documentary evidence to be produced by defendant. suit; and unless such document be so delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

LXIII. If after the examination required by Section LIX., and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Collector shall make his decree accordingly.

LXIV. If on such examination as aforesaid, the agent of either party be unable to answer any material question relating to the case
 Consequence of inability of agent to answer. which the Collector is of opinion, that the party whom he represents ought to answer, and is likely to be able to answer, if interrogated in person, the Collector may postpone the hearing of the case to a future day, and direct that the party whose agent may have been unable to answer as aforesaid, shall attend in person on such day; and if the party so directed to attend shall fail to appear in person on the day appointed, the Collector may pass judgment as in case of default, or make such other order as he may deem proper in the circumstances of the case.

LXV. If on such examination as aforesaid it appear that the parties are at issue on any question upon which it is necessary to hear
 If necessary, Collector to record issue, and to fix a day for hearing further evidence. further evidence, the Collector shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit; and the trial shall take place on that day unless there be sufficient reason for adjourning it, which reason shall be recorded by the Collector.

LXVI. The parties shall bring forward their witnesses on the day of trial, and if either party require assistance to procure the attendance of a witness on such day either to give evidence or to produce a document, he shall apply to the Collector in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Collector shall issue a summons requiring such witness to attend.

SUDDER BOARD OF REVENUE, N. W. P., FOR

LXVII. The provisions of the Regulations and Acts and a

Rules regarding attendance, examination, &c., of witnesses.

time being in force relating to the evidence procuring the attendance of witnesses and the documents, and for the examination, remuneration, and appointment of witnesses, whether parties to the case or not, a

before the Civil Courts of the Presidency of Bengal, shall, except so far as same may be inconsistent with the provisions of this Act, apply to and be of equal force and effect in suits under this Act.

LXVIII. If on the day fixed for the trial of any issue neither of the parties

Consequence of parties not appearing on the day fixed for the trial of any issue.

appear, the case shall be struck off under the condition provided in Section LIV. If on any such day one only of the parties appear, the issue may be tried and determined in the absence of the other party upon such proof as may be then

before the Court.

LXIX. When suits under this Act are instituted or defended by Naibs, Gomastahs, or other persons employed in the collection of rent

Suits instituted or defended by Naibs, Gomastahs, &c.

or management of land in the name and on the behalf of the landholders by whom they are so employed; all the provisions of this Act, by which the personal appearance or attendance

of parties to a suit is or may be required, shall be applicable to such Naibs, Gomastahs, or other persons; and anything which by this Act is required or permitted to be done by a party in person, may be done by any such person as aforesaid. Processes served on any such person shall be as effectual for all purposes in relation to the suit as if the same have been served on the landholder in person, and all the provisions of this Act relative to the service of processes on a party to the suit shall be applicable to the service of processes on such person.

LXX. A plaintiff or defendant shall not be required to attend in person, if of

Personal attendance of plaintiff or defendant not required in certain cases.

the female sex and of a rank of class, which according to the custom and manners of the country would render it improper for her to appear in public.

LXXI. Any party to a suit may employ an authorized agent or mookhtar to

Employment of authorized agents or mookhtars.

conduct the case on his behalf, but the appointment of such agent or mookhtar shall not excuse the personal attendance of the plaintiff or defendant in cases where his personal attendance is required by the summons or any order of the Court; and no fee for any agent shall be charged as part of the costs of suit in any case under this Act.

LXXII. The Collector may in any case grant time to the plaintiff or

Collector may grant time or adjourn hearing.

defendant to proceed in the prosecution or defence of suits, and may also from time to time, in order to the production of further proof or for other sufficient reason to be recorded by

the Collector, adjourn the hearing or further hearing of any case in such manner as to him may seem fit.

LXXIII. The Collector may at any stage of a case cause a local enquiry

Collector may cause local enquiry to be made.

and report respecting the matter in dispute to be made by any Officer subordinate to him, or by any other Officer of Government with the consent of the authority to whom such

Officer is subordinate, or may himself proceed to the spot and make such local enquiry in person. The provisions of the law for the time being in force relative to local enquiries by Magistrates or Commissioners under orders of the Civil Courts, shall apply to any local enquiry made by any Officer under this Section, and, so

far as they are applicable, to enquiries made by the Collector in person. In the latter case the Collector, after completing the enquiry, shall record on the proceedings such observations as appear to him appropriate, and the observations so recorded shall be received as evidence in the suit.

LXXIV. The defendant in any action under this Act may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with costs incurred by the plaintiff up to the time of such payment, and such sum shall be paid to the plaintiff. If the defendant deposit less and the plaintiff elect to proceed in the case, and ultimately recover no further sum than shall have been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

Defendant may pay money into Court in satisfaction of the demand.

than the sum claimed,

If plaintiff elect to proceed and ultimately recover no further sum than that paid into Court, he shall be liable to the subsequent costs.

LXXV. No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

LXXVI. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to term for which the pottah is to be granted, the Collector shall fix such term as under the circumstances of the case he may think just and proper. Provided that the term shall not in any case be longer than ten years, and in estates not permanently settled shall not extend beyond the proprietor of the estate has engaged with Government. Provided also that, if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

the period for which

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term of the pottah shall not extend beyond the period of continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

LXXVII. When in any suit between a landholder and a ryot or under-tenant under this Act, the right to receive the rent of the land or tenure cultivated or held by the ryot or under-tenant is disputed, and such right is claimed by or on behalf of a third person, on the ground that such third person or a person through whom he claims has actually and in good faith received and enjoyed such rent before and up to the time of the commencement of the suit; such third person shall be made a party to the suit, and the question of the actual receipt and the enjoyment of rent by such third person shall be enquired into, and the suit shall be decided according to the result of such enquiry. Provided always, that the decisions of Collector shall not affect the right of either party, who may have a legal title to the rent of such land or tenure, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

If in actions for rent a third person appears to claim, he is to be made a party to the suit.

faith received and enjoyed such rent before and up to the time of the commencement of the suit; such third person shall be made a party to the suit, and the question of the actual receipt and the enjoyment of rent by such third person shall be enquired into, and the suit shall be decided according to the result of such enquiry. Provided always, that the decisions of Collector shall not affect the right of either party, who may have a legal title to the rent of such land or tenure, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

LXXVIII. Any person desiring to eject a ryot, or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancellation and for recovery of the arrear in the same action, or may aduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit

Suits for ejectment or cancellation of lease.

for such ejectment or cancelment. In all cases of suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

LXXIX. The Collector shall pronounce judgment in open Court. The judgment shall be written in the Vernacular language of the Collector, and shall contain the reasons for the same, and shall be dated and signed by the Collector at the time when it is pronounced.

LXXX. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Collector may grant a pottah in conformity with the terms of the decree under his own hand and seal, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

LXXXI. When a decree is given for the delivery of a kabooliyet, if the person required by the decree to execute such kabooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the hand and seal of the Collector shall be of the same force and effect as a kabooliyet executed by the said person.

LXXXII. If the decree be for the ejectment of any ryot from land occupied by him, or for the re-instatement of any ryot in the occupancy of land from which he has been ejected, the decree shall be executed by giving the possession or occupancy of the land to the person entitled by the decree to such possession or occupancy. If any opposition is made to the execution of the order for giving such possession or occupancy by the party against whom the order is made, the Magistrate, on the application of the Collector, shall give effect to the same.

LXXXIII. If the decree be for the cancelment of any lease or the ejectment of any farmer or other person (not being an actual cultivator) or for the re-instatement of any farmer or other such person in the possession of a farm or tenure from which he has been ejected, the decree shall be executed by proclaiming the substance of the decree to the cultivators or other occupants by beat of drum, or in such other manner as may be customary, and affixing the same in some conspicuous place within or adjacent to the farm or tenure.

LXXXIV. If the decree be for arrears of rent or for money, papers, or records, and the defendant had been committed to jail or appear pursuant to the conditions of any security-bond given under Section III, the Collector may order that he be detained in or committed to the Civil Jail, unless he immediately pays into Court the amount of the decree, with costs, or otherwise comply with the terms of the decree.

LXXXV. If the judgment-debtor has given security for his appearance and be not present when judgment is pronounced, and the surety shall fail to deliver him into custody, when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the

amount due by the debtor had been passed against the surety. If the decree be for the delivery of papers or accounts, and the defendant be not present when judgment is pronounced, and the surety shall fail to deliver him into custody, when required so to do, execution may be taken out against the surety for the sum due under the bond in the same manner as if a decree for that sum had been passed against the surety.

LXXXVI. Process of execution may be issued against either the person or the property of a judgment-debtor; but process shall not be issued simultaneously against both person and property. Process of execution against the person or moveable property of a debtor shall be in the form (E.) or (F.) contained in the Schedule to this Act, or to the like effect.

LXXXVII. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor, but if the creditor is unable to furnish such list, he may apply for a general attachment of the debtor's effects to the amount of the judgment and costs. In either case the property to be seized shall be pointed out to the Officer entrusted with the execution of the process by the creditor or his agent.

LXXXVIII. Every warrant of execution shall bear date on the day on which it is signed by the Collector, and shall continue in force for such period as the Collector may direct, not being more than sixty days calculated from such date.

LXXXIX. Second and successive warrants of execution may be issued by order of the Collector on the application of the judgment-creditor after the expiration of the period fixed for the continuance of force of a previous warrant.

L.C. Process of execution shall not be issued upon any judgment without previous notice to the party against whom execution is applied for; if, when application for the issue of the process is made, a period of more than one year shall have elapsed from the date of the judgment, or from the date of the last previous application for execution.

XCI. Execution on a judgment shall not issue against the heir or other representative of a deceased party without notice to such heir or other representative to appear and be heard.

XCI. No process of execution of any description whatsoever shall be issued on a judgment under this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Civil Courts.

XCIII. If a warrant issue for taking in execution the body of any person, the Officer charged with the execution of the warrant shall bring him with all convenient speed before the Collector. If such person shall not then deposit in Court the full amount specified in the warrant, or make such arrangement for the payment to the same as shall be satisfactory to the judgment-creditor, or satisfy the Collector, that he has no present means of paying the debt, the Collector shall send him

to the Civil jail there to remain for such time as shall be directed by a warrant addressed to the keeper of the jail, unless he shall in the meantime pay the full amount for the payment of which he is liable under the decree. Provided that the time for which a debtor may be confined in execution

Limit of imprisonment. of a decree under this Act shall not exceed three calendar months when the amount decreed exclusive of costs does not exceed fifty Rupees, or six calendar months when such amount does not exceed five hundred Rupees, or two years in any other case. If the decree against any person arrested under

If arrest be for non-delivery of accounts. a warrant be for the delivery of papers or accounts and the papers or account shall not be delivered by him when he is brought before the Collector, such person may be Committed

to the Civil Jail there to remain for such time not exceeding six calendar months as the Collector shall direct, unless he shall in the meantime deliver the papers or accounts according to the terms of the decree.

XCIV. Any person once discharged from jail shall not be imprisoned a second time under the same judgment. If the amount due under

No person to be imprisoned a second time under same judgment. the decree do not exceed one hundred Rupees, the Collector may declare such discharged person absolved from further liability under that decree. In other cases the discharge

shall not extinguish the liability of the discharged person under the decree, or exempt any property belonging to such person from attachment in execution of the same.

XCv. Any person applying for a warrant of arrest under Section XLIX. or suing out process of execution against the body of any person, shall deposit in Court, at the time of issue of the warrant, diet-money for one month of thirty days at such rate as the Collector may direct, not exceeding two annas per diem, unless

less the Collector for any special reason direct that deposit be made at a higher rate, which shall not exceed four annas per diem.

XCvI. Payment of diet-money at the same rate shall be made previously to the commencement of each succeeding month of the imprisonment, in failure of which the party confined shall be discharged.

XCvII. All diet-money spent in providing subsistence for any prisoner shall be added to the costs in the suit, and any diet-money not so spent, shall be returned to the person who deposited the same.

XCvIII. In executing a writ of execution against the movable property of a debtor liable under this Act, the Officer charged with the execution of the writ shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation specifying the day upon which the sale is intended to be held together with a copy of the said list at the intended place of sale, and at the residence of the debtor. A copy of the said proclamation and list shall be transmitted to the Collector, and shall be affixed in his Office.

XCIX. No sale of any movable property taken in execution shall be made until after the end of ten days next following the day on which such property may have been so taken. Until such sale the property shall be deposited in some fit place, or it may remain in custody of some fit person approved by the

Custody and sale of movable property taken in execution. Officer executing the writ. The provisions of Sections, CXXIX. to CXXXIII. so far as the same are applicable, shall be applied to sales under this Section.

C. If before the day fixed for the sale a third party appear before the Collector and claim a right or interest in any of the movable property taken in execution, the Collector shall examine such party or his agent on oath or affirmation or otherwise, according to the law for the time being in force relative to the examination of witnesses, and if he see sufficient reason for

Collector may stay sale of movable property seized if a third party claim any interest therein.

so doing, may stay the sale of such property.

CI. The Collector shall adjudicate upon such claim and make such order between the claimant and the plaintiff and defendant in the original suit as shall seem fit. In trying such claim the Collector shall be guided by the rules contained in this Act so

Collector to adjudicate such claims.

far as they may be applicable.

CII. If the claimant shall fail to establish his right to the property taken in execution, the Collector at the time of disposing of the case may award to the judgment-creditor against such claimant as part of the costs such sum as he may consider sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement

Claimant failing to establish his right liable to pay compensation to judgment-creditor.

of the sale of the property.

CIII. No appeal shall lie from any order passed by the Collector under the two last preceding Sections. But the party against whom the same may be given shall be at liberty to bring a suit in the Civil Court to establish his right at any time within one year from the date of the order; provided that, if the order be for the sale of the property, the suit shall not be for the recovery of the property, but shall be for damages against the judgment-creditor by whom the property was brought to sale.

No appeal from order of Collector under the two last preceding Sections.

Proviso.

CIV. No irregularity in publishing or conducting a sale of movable property under an execution shall vitiate such sale, but this rule shall not be held to deprive any person who may sustain damage by reason of such irregularity from recovering such damage by action in the Civil Court; provided such action be brought within one year from the date of sale.

Sale not vitiated by irregularity in publishing or conducting the same.

Proviso.

CV. If the decree be for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, the judgment creditor may make application for the sale of the tenure, and the tenure may thereupon be brought to sale in execution of the decree, according to the

Sale of transferable tenures in execution of decrees for arrears of rent.

rules for the sale of under-tenures for the recovery of arrears of rent due in respect thereof contained in any law for the time being in force. But no such application shall be received when a warrant of execution has been previously issued against the person or movable property of the judgment-debtor, so long as such warrant remains in force. If after sale of an under-tenure any portion of the amount decreed remains due, process may be applied for against any other property, movable or immovable, belonging to the debtor, and any such immovable property may be brought to sale in the manner provided in Section CX. of this Act.

CVI. If before the day fixed for the sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, a third party appear before the Collector, and allege that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the

If third party claim to be the lawful possessor of such under-tenure, Collector to stay the sale and to enquire into and adjudicate upon the claim.

time when such decree was obtained, the Collector shall examine such party in the manner provided in Section C. for the examination of third parties, and if he see sufficient reason for so doing, and such party shall deposit in Court the amount of the decree or give sufficient security for the same, the Collector shall stay the sale and proceed to enquire into and adjudicate upon the claim.

Proviso.

Provided that no transfer of an under-tenure which by the provisions of this Act or any other law for the time being in force is required to be registered in the Sheristch of the Zemindar or superior tenant shall be recognized, unless it have been so registered, or unless sufficient cause for non-registration be shown to the satisfaction of the Collector.

CVII. In trying such claim the Collector shall be guided by the rules contained in this Act, so far as the same may be applicable, and the judgment passed by the Collector on such claim shall not be subject to appeal, but the party against whom it is given may bring a suit in the Civil Court to establish his right at any time within one year from the date of the judgment.

Mode of adjudicating such claims.

CVIII. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure for money due to him on account of his share, of the rent of an under-tenure situate in such undivided estate or talook or tenure, application for the sale of such under-tenure shall not be received unless execution shall have been first taken out against any

movable property which the judgment-debtor may possess within the District in which the suit was instituted, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section CV., may be brought to sale in execution of the decree in the same manner as any other immovable property may be sold in execution of a decree for money under the provisions of the two next following Sections.

CIX. In the execution of any decree for the payment of money under this Act not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or movable property of the debtor within the District in which the suit was instituted, the judgment-creditor may apply for execution against any immovable property belonging to such debtor.

CX. If the immovable property against which execution is applied for be a house or other building, process shall be issued in the same manner as for the attachment and sale of movable property, and the provisions of Sections XCVIII. and XCIX. shall be applicable to the execution of such process. If the property be a saleable under-tenure, it shall be sold under the provisions of the law for the time being in force applicable to the sale of such under-tenures, for demands other than those of arrears of rent due in respect thereof. If the property be an estate or a share sold under the rules in force for the sale of estates for the recovery of demands recoverable by the same process as arrears of land revenue.

Mode of executing process if immovable property, be a house or other building.

If it be a saleable under-tenure.

of an estate, it shall be

If it be an estate or a share of an estate.

CXI. If before the consequence of objection being offered before the sale of any immovable property.

day fixed for the sale of any immovable property as aforesaid, objection shall be offered to the sale on the ground of such property not belonging to the judgment-debtor, and consequently not being liable to be sold in execution of a

decree against him, the Collector shall examine the party making the objection in the manner prescribed in Section C, for the examination of third parties, and if satisfied that there is sufficient ground for so doing, shall stay the sale and proceed to enquire into and adjudicate upon the objection, in the same manner, and subject to the same right of suit by the party against whom judgment may be given, as is provided in Section CVII.

CXII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent as defined in Section XX. of this Act, is due from any cultivator of land, the Zemindar, Ikhherajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive rent immediately from such cultivator, instead of bringing suit for the arrear as heretofore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the rent of which security has been given, shall not be liable to distraint. Provided also that no sharer in a joint estate, dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorized to collect the rents of the whole estate, talook, or the sharers in the same. Provided further that, in Patteedaree estates situated in districts under the Government of the Lieutenant-Governor of the North-Western Provinces, distraint shall be made only through a lambedar.

CXIII. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

CXIV. The power of distraint vested by Section CXII. in Zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Ward's, Surburakars, and Tehseeldars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by the Naibs, Gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent if expressly authorized by power of attorney in that behalf. Provided that, if any illegal act is committed by any such Naib, Gomastah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

CXV. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

CXVI. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

The demand and account shall, if practicable, be served personally on the defaulter, or if he be absent or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

CXVII. Unless the amount of the demand is immediately paid or tendered, the

Distress to be proportionate to the arrear if not paid or tendered.

distrainer may distress property as aforesaid of value proportionate to the amount of the arrear with costs of the distress, and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

List of property to be distrained, to be served on owner.

CXVIII. Standing crops and other ungathered products may, notwithstanding

Standing crops, &c., when unattached, to be reaped and stored by the cultivator, or if he neglect to do so, by the distrainer.

the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed

in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when crops or products or any part of the same would be fit for cutting or gathering.

CXIX. If a distrainer shall be opposed, or shall apprehend resistance, and shall

Distrainer may apply for aid to the Collector upon occasion of resistance made or apprehended.

desire to obtain the assistance of a public Officer, he may apply to the Collector, and the Collector may, if he thinks necessary, depute an Officer to support the distrainer in making the distraint.

CXX. When any person, empowered to distress property under Section CXII.

Persons empowered to distress may give written authority to their servants to do so.

or Section CXIV, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

CXXI. If at any time after property has been distrained, and prior to the day

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to day of sale.

fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

CXXII. Within five days from the time of the storing of any distrained crops

Application for sale.

or products, or if the crops or products do not, from their nature, admit of being stored, within five days from time of making the distress, the distrainer shall apply for sale of the same to the Civil Court Muneer, or other Officer authorized to sell property in satisfaction of decrees of the

Civil Court within the circle in which the distrained property is situate, or to such other public Officer as the local Government shall appoint for the purpose.

CXXIII. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount, due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall deliver to the Civil Court Ameen or other Officer the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Form of application.

Cost of notice upon defaulter to be deposited by distrainer.

CXXIV. Immediately on receipt of the application the Civil Court Ameen or other Officer shall transmit a copy of it to the Collector; and shall serve a notice (which shall be in the form (G) contained in the Schedule to this Act; or to the like effect) on the person whose property has been distrained requiring him either to pay the amount demanded or to institute a suit to contest the demand before the Collector within the period of fifteen days from the receipt of the notice. He shall at the same time send to the Collector for the purpose of being put up in his Office, and if in the North Western Provinces, in the catcherry of the Tahseeldar, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

CXXV. If a suit shall be instituted before the Collector in pursuance of the aforesaid notice, the Collector shall transmit to the Civil Court Ameen or other Officer, or if so requested, shall deliver to the owner of the distrained property a certificate of the institution of such suit; and on such certificate being received by or presented to the Ameen or other Officer, he shall suspend proceedings in regard to the sale of the distrained property.

CXXVI. A person whose property has been distrained in the manner hereinbefore provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale. When such suit is instituted, the Collector shall proceed in the manner prescribed in last preceding Section. If thereafter application for the sale of the property is made to the Civil Court Ameen or other Officer, he shall transmit a copy of the application to the Collector, and suspend further proceedings pending the decision of the case.

CXXVII. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with security, binding himself to pay whatever sum may be adjudged to be due from him with interest and costs of suit, and when such bond is executed the Collector shall give to the owner of the property a certificate to that effect, or if so requested shall serve the distrainer with notice of the same; and upon such certificate being presented to the distrainer by the owner of the property or served on him by order of the Collector, property shall be released from distraint.

Ameen to suspend sale on receipt of Collector's certificate of the institution of a suit.

Suit to contest distrainer's demand before issue of notice of sale.

Distress to be withdrawn on receipt of Collector's certificate that the owner has executed a bond with security to pay amount of decree with interest and costs.

CXXVIII. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the Civil Court Ameen or other Officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property or such part of it as may be necessary in the manner following.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

CXXIX. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haat, or other place of public resort, if the Civil Court Ameen or other Officer should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as the Officer holding the sale may think advisable; and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and manner of sale of distrained property.

CXXX. If on the property being put up for sale a fair price in the estimation of the Officer holding the sale be not offered for it, and the owner of the property or some person authorized to act on his behalf apply to have the sale postponed until the next day, or the next market day if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

CXXXI. The price of every lot shall be paid for in ready money at the time of sale or as soon after as the Officer holding the sale shall think necessary; and in default of such payment the property, shall be put up again and sold. When the purchase money has been paid in full, the Officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase money.

CXXXII. From the proceeds of the sale of distrained property the Officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Collector in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section CXXIV. to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distress was made with interest thereon up to the day of sale, and if there be any overplus it shall be delivered to the person whose property shall have been sold.

Proceeds of sale.

CXXXIII. Officers holding sales of property under this Act, and all persons employed by or subordinate to such Officers, are prohibited from purchasing either directly or indirectly any property sold by such Officers.

Officers holding sales prohibited from purchasing.

CXXXIV. Civil Court Ameens and other Officers as aforesaid are required to bring to the notice of Collectors any material irregularities committed by distrainers under color of this Act; and if in any case, on proceeding to hold a sale of property, the Civil Court Ameen or other Officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector, and the Collector shall direct the issue of another notice and proclamation of sale under Section CXXIV. or pass such other order as he may think proper.

All irregularities to be reported to the Collector.

Civil Court Ameen

Officer not to proceed to sale, if he find that defaulter has not received due notice.

CXXXV. When a Civil Court Ameen or other Officer has proceeded to any

Recovery of expenses if
Ameen proceeds to place of
sale and no sale takes place.

place for the purpose of holding a sale and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to the Civil Court Ameen or other Officer, the charge of one anna in the Rupee on account of expenses shall be leviable and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In every other case it shall be paid by the distrainer and may be recovered by attachment and sale of the property of the distrainer under the warrant of the Collector. Provided always that in no case shall a larger amount than ten Rupees be recoverable under this Section.

CXXXVI. All proceedings under this Act of the Civil Court Ameens and

Proceedings of Civil
Court Ameens, &c., subject
to revision and orders of
Collectors.

other Officers as aforesaid shall be subject to the revision and orders of the Collectors, and the Collectors with the sanction of the Boards of Revenue, may require the submission of such periodical reports and statements of business performed by the Civil Court Ameens and other Officers as

may be thought necessary.

CXXXVII. When a suit has been instituted to contest the demand of a dis-

Second proclamation of
sale.

trainer and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Collector shall issue an order to the Civil Court Ameen or other Officer authorizing the sale of the property, and on the application of the distrainer, which shall be made within five days from the receipt of such order by the Civil Court Ameen or other Officer, such Ameen or Officer shall publish a second proclamation in the manner prescribed in Section CXXIV., fixing another day for the sale of the distrained property, which shall not be less than five or more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

CXXXVIII. In all suits instituted to contest the demand of a distrainer, the

Procedure after institu-
tion of suit to contest dis-
trainer's demand.

distrainer shall be required to prove the arrear in the same manner as if he had himself brought suit for the amount under the foregoing provisions of this Act. If the demand or any part thereof is found to be due, the Collector shall make a decree for the amount in favour of the distrainer, and amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale by execution of the decree against the person and any other property of the defaulter, or if the property have been released on security by execution of the decree against the person and property of the defaulter and of his surety. If on the other hand the distraint is adjudged to be vexatious or groundless, the Collector, besides directing the release of the distrained property, may award such damages in favour of the plaintiff as the circumstances of the case shall seem to require.

CXXXIX. If any person shall claim as his own property which has been dis-

Any person, whose prop-
erty has been distrained
for arrears of rent alleged
to be due from another,
may institute a suit against
the distrainer, &c.

trained for arrears of rent alleged to be due from any other person, such person may institute suit against the distrainer, and such other person to try the right to the property, in the same manner, and under the same conditions as to the time of instituting the suit, and to the consequent postponement of sale, as a person whose property has been distrained

for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Collector shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer. If the claim is upheld, the Collector shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require.

Proviso.

Provided always that no claim to any produce of land liable to distrain under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any Civil Court prevail against such prior claim.

CXL. If, in any case in which property has been distrained for an arrear of rent, and suit has been instituted to contest the demand, the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by such other person before and up to the time of the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such enquiry. Provided always that the decision of the Collector shall not affect the right of either party who may have a legal title to the rent of the land, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

CXLI. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due are alleged to be due from some other person, is prevented by any sufficient cause for bringing suit to contest the demand or to try the right to the property as the case may be, within the period allowed by Sections CXXIV. and CXXXIX., and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

CXLII. If any person empowered to distrain property or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

CXLIII. If any person not empowered to distrain property under Sections CXII. and CXIV. of this Act, nor employed for the purpose under a written authority by a person so empowered, shall distrain or sell or cause to be sold any property under color of this Act, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall be held to have committed criminal trespass, and shall be subject to the penalties for that offence in addition to any damages which may be awarded against him in such suit.

Persons prevented from suing in time to save their property from sale, may sue for damages.

Also persons aggrieved by any illegal act of distrainer.

Unlawful distraint.

CXLIV. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Time for commencing suits for damages.

CXLV. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Collector, upon complaint being made within fifteen days from the date of such resistance or removal, shall cause the person accused to be arrested, and if the offence be proved and the offender be the owner of the property, shall order him to be imprisoned in the Civil jail for six months, or until the whole arrear due to the distrainer with all expenses and costs shall sooner be paid or levied by distress and sale of the property of the offender under warrant of the Collector. If the person convicted or the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or in default of payment thereof to imprisonment for a period not exceeding two months.

Resistance of distraint.

CXLVI. Every process issued by a Collector under this Act shall be under the seal and signature of the Collector, and shall be served or executed by the Nazir or by such other officer as the Collector may direct at the cost of the party at whose instance it issued. The amount of such cost, and, in the case of summons to a witness, any sum required for the travelling expenses of such witness, shall be deposited in Court before the process is issued. Provided that if in any case the Collector is satisfied that a party is unable to pay the cost of any necessary process, he may direct such process to be served free of charge.

Service of process.

CXLVII. Any resistance or opposition to the lawful process of Collector under the Act may be punished by the Collector according to the provisions of the law for the time being in force for the punishment of resistance or opposition to the processes of the Courts of Civil Justice. When in any such case the offender is not present in Court, the Collector may summon him to answer to the charge, and if after due service of the summons he fail to attend, may issue a warrant for his apprehension. Orders passed by Collectors under this Section shall not be deemed to be orders relating to the trial of suits or to the execution of decrees within the meaning of Section CLI.

Resistance of process.

CXLVIII. It shall be competent to the Collector to hold a Court for hearing and determining suits under this Act in any place within the limits of his District or local jurisdiction, provided that every hearing and decision shall be in open Court, and that the parties to the suit or their authorized agents shall have had due notice to attend at such place.

Collector competent to hold a Court in any part of his jurisdiction.

Proviso.

CXLIX. Any person may practice as an agent or mookhtar in a Court held by a Collector under this Act without any formal license from the Collector. But it shall be competent to the Collector to prohibit any person, who has been convicted by a competent

Agents or mookhtars.

Court of a criminal offence, or who has been found guilty of fraudulent or dishonest conduct in the discharge of his duty as agent or mookhtar, to practise as an agent or mookhtar in his Court. When any agent or mookhtar is charged by the Collector or any other person with fraudulent or dishonest conduct in the discharge of his duty, the Collector shall proceed in the manner prescribed in Section IV., Act XVIII., of 1852, or any other law for the time being in force for the trial of charges against pleaders.

CL. All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases without such reference, by any Deputy Collector placed in charge of any Sub-division of a district; and all applications and reports allowed or required by this Act to be made to the Collector may be made to any Deputy Collector having such local jurisdiction.

CLI. In the performance of their duties under this Act, the Collectors and Deputy Collectors shall be subject to the general direction and control of the Commissioners and the Boards of Revenue; and the Deputy Collectors shall be subject to the direction and control of the Collectors to whom they are subordinates. All orders passed by a Collector under this Act, not being judgments in suits or orders passed in the course of suits and thereof or orders passed after decree and relating to the execution thereof, shall be appealable to the Commissioner, and all such orders passed by a Deputy Collector shall be appealable to the Collector; but no judgment of a Collector or Deputy Collector in any suit, and no order of a Collector or Deputy Collector passed in any suit and relating to the trial thereof or after decree and relating to the execution thereof, shall be open to revision or appeal other wise than as expressly provided in this Act.

CLII. Every appeal against the order of a Collector shall be presented to the Commissioner within thirty days, and every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days from the date of the order. Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, but the Board of Revenue or the Commissioner may call for any case, and pass such orders thereon as they may think proper.

CLIII. In suits under Clauses 2, 4, and 7 of Section XXIII. and under Section XXIV. of this Act, tried and decided by a Collector, if the amount sued for or the value of the property claimed does not exceed one hundred Rupees, the judgment of the Collector shall be final, and not open to revision or appeal, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in Sections CLX. and CLXI. of this Act.

CLIV. In suits in which the judgment of the Collector is final as provided in the last preceding Section, the Collector may, upon the application of either party, if preferred within thirty days from the date of the decision, order the re-hearing of a suit, upon the ground of the discovery of new evidence or matter material to the issue of the case which the applicant had no knowledge of, or could not produce at the time of trial.

CLV. When any such suit as aforesaid, in which if tried and decided by a Collector, the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector.

CLVI. The petition of appeal shall be written on stamp paper of eight annas value, and shall be presented to the Collector within fifteen days from the date of the decree, provided that such time as may be requisite for procuring a copy of the decree appealed against shall not be reckoned as part of the fifteen days.

Petition of appeal to be on stamp paper, &c.

CLVII. The Collector shall fix a day for hearing the appeal, and shall cause notice of the same to be served on the respondent in the manner hereinbefore prescribed for the service of summons. If, on the day fixed for hearing the appeal or any other day to which the hearing may be adjourned, the appellant shall not appear in person or by an agent, the appeal shall be dismissed for default. If the appellant shall appear and the respondent shall not appear in person or by an agent, the appeal shall be heard *ex parte*.

Procedure in appeal.

CLVIII. If an appeal be dismissed for default of prosecution, the appellant may within fifteen days from the date of the dismissal apply to the Collector for the re-admission of the appeal, and if it shall be proved to the satisfaction of the Collector that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Collector may re-admit the appeal.

Re-admission of appeal.

CLIX. After hearing the appeal the Collector shall give judgment in the manner hereinbefore prescribed for giving judgment in original suits, and the judgment of the Collector shall be final.

Judgment in appeal.

CLX. In all suits other than those in which when tried and decided by a Collector, the judgment of the Collector is declared to be final, or when tried and decided by a Deputy Collector an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Zillah Judge unless the amount or value in dispute exceed five thousand Rupees, in which case the appeal shall lie to the Sudder Court.

In what suits appeal to lie to Zillah Judge.

To Sudder Court.

CLXI. The petition of appeal shall be written on the stamp paper prescribed for appeals from the subordinate Civil Courts with reference to the amount or value of the property involved in the appeal, and the rules in force in regard to the time within which appeals from the decisions of such Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals to the Zillah Judge or Sudder Court under this Act.

Rules regarding presentation and hearing of appeals.

CLXII. Suits under this Act shall be preferred in the Revenue Office of the District, or when a Sub-division of a District has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the Sub-division in which the cause of action shall have arisen. Provided always that the Collector may withdraw any suit from any Deputy Collector and try it himself, or refer it to another Deputy Collector. If the lands comprised in any talook, farm, or other tenure, or any lands held under one lease or engagement or at one entire rent in respect of which arrears of rent may be due are situated in more than one District or Sub-division, the District or Sub-division in which the greater part of such lands is situate, shall be held to be the District or Sub-division in which the cause of action has arisen; and if any question shall be raised respecting the District or Sub-division in which the greater part of the lands

Suits to be preferred in the Revenue Office of the District or Sub-division in which the greater part of the lands is situate.

is situate, the Board of Revenue, or if all the lands be situate in one District, the Collector of the District shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

CLXIII. Except as provided in the last preceding Section, no Collector shall exercise any jurisdiction under this Act in respect to any lands situate beyond the limits of the District to which he is appointed, by reason of such lands forming part of an estate the revenue of which is paid into the Treasury of the said District.

CLXIV. No Deputy Collector appointed under Regulation IX., 1833 of the Bengal Code shall exercise any judicial powers or other jurisdiction under this Act if entrusted with any Police functions.

CLXV. Assistants to Collectors shall not exercise any powers under this Act unless invested by Government with the powers of Deputy Collectors, in which case they may exercise the powers hereby assigned to Deputy Collectors.

CLXVI. Nothing contained in this Act shall be held to affect the right vested in proprietors of land under direct engagements with Government, of bringing to sale for arrears of rent Putnee Talooks and other similar tenures under the provisions of Regulation VIII., 1819.

CLXVII. This Act shall commence and have effect from and after the 1st day of August 1859.

CLXVIII. The words "Civil Jail" as used in this Act shall include the Civil Jail of the Zillah and any place appointed by the Executive Government for the confinement of prisoners by any Court constituted under this Act. The word "Nazir" shall include any Officer of a Court authorized to serve or execute its process. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

SCHEDULE.

FORM A. (See Section 44.)

FORM OF SUMMONS TO DEFENDANT.

No. _____
In the Court of _____
(of suit) dated _____
A. B., Plaintiff.
[Name, description, and address of plaintiff.]
C. D., Defendant.
[Name, description, and address of defendant.]

Whereas the said A. B. has brought a claim against you in this Court for

CIRCULAR ORDERS OF THE

(here specify particulars of claim as given in the statement,) you are hereby required to appear in person in this Court on the day of [if not specially required to appear in person, state, "in person or by an agent who has personal knowledge of the subject or who shall be accompanied by a person who has such knowledge"] to answer the above-named plaintiff, and you will bring with you (or send by your agent) [here mention any document the production of which may be required by the plaintiff] which the plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you witnesses, if they are willing to attend without issue of process.

FORM B. (see Section 48.)

FORM OF WARRANT OF ARREST.

No. (of suit) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of the Collector of—

Whereas the plaintiff in this suit has obtained an order from the Court for the arrest of the defendant, you are hereby commanded to bring the defendant before the Court on or before the day of to be dealt with according to law.

Dated this day of 185 .

FORM C. (see Section 49.)

FORM OF NOTICE TO ACCOMPANY SUCH WARRANT.

In the Court of

A. B., Plaintiff.

[Name, description, and address of plaintiff.]

C. D., Defendant.

[Name, description, and address of defendant.]

Whereas the said A. B. has brought a claim against you in this Court to— (here specify particulars of claim as given in the statement) and has obtained a warrant for your arrest, you are hereby required, unless you admit the claim, to bring with you to the Court all documents on which you may intend to rely in support of your defence.

FORM D. (see Section 51.)

FORM OF SECURITY BOND FOR APPEARANCE OF DEFENDANT.

Whereas A. B., plaintiff, has instituted a suit in the Court of the Collector of against C. D. defendant, and said C. D. has been required to give security for his appearance at any time when called on while the suit is pending and until execution of the decree, I, E. F., hereby declare myself surety for the said C. D.'s appearance as aforesaid, and in case of his making default in such appearance, I engage to pay any sum for the payment of which the said C. D. may be liable under the decree. If the suit be for the delivery of papers or accounts, specify some sum to be fixed by the Collector.

FORM E. (*see* Section 86.)

WRIT OF EXECUTION AGAINST THE PERSON.

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of the Collector of —

Whereas the said C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to apprehend the said C. D., and to bring him with all convenient speed before this Court to be dealt with according to law.

FORM F. (*see* Section 86.)

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of the Collector of —

Whereas C. D. was directed by a decree of this Court under date the day of 185 , to pay to A. B. the sum of and for costs of suit, amounting to , and whereas the said C. D. has omitted to pay the same, you are hereby commanded to levy the said sum of , and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said C. D. as (is described in the list annexed, and) *[if no list is furnished, these words to be omitted]* shall be pointed out to you by the judgment-creditor or his agent; and you are hereby ordered to sell such property of the said C. D. on some convenient day, not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

FORM G. (*see* Section 124.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of distrained property.

A. B., Distraîner.

[Name, description, and address of the owner of the property.]

Whereas the said A. B. has applied to have the distrained property specified below, sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 185 .

ACT NO. VIII. OF 1835.

PASSED BY THE RIGHT HONORABLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL
ON THE 8TH JUNE 1835.

Be it enacted, that such parts of Clause 7, Section 15, Regulation VII., 1799, of the Bengal Code, and other Regulations in force, as vest the Judge of Dewanny Adawlut with the power of bringing to sale, in execution of Summary Decrees for

rent, the Talook or other tenure of the defaulter, and so much of Clause 3, Section 23, Regulation VII. of 1822, of the same Code, as prohibits the Collectors from selling land in satisfaction of Summary awards for arrears of rent, which may have accrued thereon, be rescinded, and that the power heretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for rent, be transferred to the Collectors of land revenue.

11. And be it enacted, that all sales for the recovery of arrears of rent or Revenue, held under Clause 7, Section 15, or Clause 6, Section 23, or Section 25, Regulation VII. of 1799, shall be public, and be conducted by the Collector, his Deputy or duly authorized Assistant, and that ten days' notice shall be given of such sales, by advertisement, to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector.

EXTRACTS from the Code of Civil Procedure (Act VIII. of 1859), referred to in the Circular—Sections 180, 181, 218 to 272.

180. In any suit or other judicial proceeding in which the Court may deem a local investigation to be requisite or proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of any *mesne* profits or damages, the Court may issue a Commission for local investigations. of elucidating the matters in dispute, or of ascertaining the amount of any *mesne* profits or damages, the Court may issue a Commission to an Officer of the Court appointed to execute such Commissions, or if there be no such Officer, to any suitable person, directing him to make such investigation and to report thereon to the Court. In all such cases unless otherwise directed by the order of appointment, the Commissioner shall have power to examine any witnesses who may be produced to him by the parties or any of them, the parties themselves, and any other persons whom he may think proper to call upon to give evidence in the matters referred to him; and also to call for and examine documents and other papers relevant to the subject of enquiry; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony or to produce any documents or other papers, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the report of the Commissioner, as they would incur for the same offences in suits tried before the Court. The Commissioner, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions taken by him shall return the depositions, together with his report in writing, subscribed with his name to the Court. The report and depositions shall be taken as evidence in the suit, and shall form part of the record; but it shall be competent to the Court, or to the parties to the suit or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him or mentioned in his report, or the manner in which he may have conducted the investigation.

181. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Court to appoint such Officer or other person as aforesaid to be a Commissioner for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or pleaders shall attend upon the Commissioner during such investigation or adjustment. In all such cases, the Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the enquiry, or also to report his own opinion on the point referred for his investi-

gation. The proceedings of the Commissioner shall be received in evidence in the case, unless the Court may have reason to be dissatisfied with them; in which case the Court shall make such further enquiry as may be requisite, and shall pass such ultimate judgment or order as may appear to it to be right and proper in the circumstances of the case.

OF SALES IN EXECUTION OF DECREES.

248. Sales in execution of decrees shall be conducted by an Officer of the Court or by any other person whom the Court may appoint, and shall in all cases be made by public auction in manner hereinafter mentioned. Provided that if the property to be sold shall consist of negotiable securities or of shares in any Railway, Banking, or other public Company or Corporation, it shall be competent to the Court, instead of directing the sale to be made by public auction, to authorize the sale of such securities or shares through a broker at the market-rate of the day. If the property to be sold shall be land paying revenue to Government, and the Government shall so direct, the sale shall be conducted by the Collector on the requisition of the Court.

Sales to be by public auction.

Exception as to negotiable securities and shares in public companies.

Sale by Collector of lands paying revenue to Government.

249. In all cases of intended sale by public auction, whether of movable or immovable property, in execution of a decree, a proclamation of the intended sale, specifying the time and place of sale, the property to be sold, the revenue assessed upon the estate, when the property to be sold is an estate or a part of an estate paying revenue to Government, and the amount for the recovery of which the sale is ordered, together with any other particulars that the Court may think necessary, shall be made in the current language of the district. The proclamation shall also declare that the sale extends only to the right, title, and interest of the defendant in the property specified therein. Such proclamation shall be made on the spot where the property is attached by beat of drum or in such other mode as may be customary; and a written notification to the same effect shall be affixed in the Court-house of the Judge, who shall have ordered the sale, and in some conspicuous spot in the town or village in which the attachment may have taken place. When the property ordered to be sold may consist of land or of any right or interest in land, the written notification shall also be affixed in the Office of the Collector of the district, in which such land is situate and in the Court-house of the principal Civil Court of the district where the Court which ordered the sale is subordinate to such Court. The sale shall not take place until after the expiration of at least thirty days in the case of immovable property, and of at least fifteen days in the case of movable property, calculated from the date on which the notification shall have been affixed in the Court-house of the Judge ordering the sale.

Notification of sales by public auction.

Time of sale.

250. The usual process for attachment and sale when the property to be attached consist of goods, chattels, or other personal estate other than debts, may be issued either successively or simultaneously as the Court directing the sale may in each instance think proper.

The process for attachment and sale, may in certain cases be issued simultaneously.

251. In all cases of sale of movable property, the price of every lot shall be paid for at the time of sale or as soon after as the Officer holding the sale shall direct, and in default of such payment, the property shall forthwith be again put up and sold. On

Mode of payment on sale of movable property.

payment of the purchase money, the Officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

252. No irregularity in the sale of movable property under an execution, shall vitiate the sale; but any person who may sustain any injury by reason of such irregularity may recover damages by a suit in Court.

Irregularity not to vitiate sale of movable property, but any person injured, may recover damages by suit.

253. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold.

Deposit by purchaser on sale of immovable property.

254. The full amount of purchase money shall be made good by the purchaser before sunset of the fifteenth day from that on which the sale of the property took place, or if the fifteenth day be a Sunday or other close holiday, then on the first office day after the fifteenth day; and in default of payment within such period, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold. If

When full amount of purchase money to be made good.

the proceeds of the sale which is eventually consummated be less than the price bid by such defaulting purchaser, the difference shall be leviable from him under the rules for enforcing the payment of money in satisfaction of a decree of Court.

Procedure on default.

255. Every re-sale of immovable property in default of payment of the purchase money shall be made after the issue of a fresh notification in the manner and for the period prescribed for original sale.

Notification on re-sale of immovable property.

256. No sale of immovable property shall become absolute until the sale has been confirmed by the Court. At any time within thirty days from the date of the sale, application may be made to the Court to set aside the sale on the ground of any material irregularity in publishing or conducting the sale, but no sale shall be set aside on the ground of such irregularity, unless the applicant shall prove to the satisfaction of the Court, that he has sustained substantial injury by reason of such irregularity.

Confirmation of sale.

257. If no such application as is mentioned in the last preceding section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale; and in like manner if such application be made, and if the objection be disallowed, the Court shall pass an order setting aside the sale for irregularity. If the objection be allowed, the order made to set aside the sale shall be final; if the objection be disallowed, the order confirming the sale shall be open to appeal, and such order, unless appealed from, and if appealed from, then the order passed on the appeal, shall be final, and the party against whom the same has been given shall be precluded from bringing a suit for establishing his claim.

The sale if not objected to, for irregularity, or if the objection is disallowed, shall become absolute.

When the order to set aside a sale shall be open to appeal.

258. Whenever a sale of immovable property is set aside, the purchaser shall be entitled to receive back his purchase money, with or without interest in such manner as it may appear proper to the Court to direct in each instance.

If the sale be set aside, price to be returned to the purchaser.

259. After a sale of immoveable property shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant, in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest.

Certificate to be granted to purchasers of land.

260. The certificate shall state the name of the person who at the time of sale is declared to be the actual purchaser, and any suit brought against the certified purchaser on the ground that the purchase on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Certificate to state the name of actual purchaser.

261. Where the property sold shall consist of goods, chattels, or other movable property in the possession of the defendant, or to the immediate possession of which the defendant is entitled, and of which actual seizure has been made, the property shall be delivered to the purchaser.

Delivery of movable property in the possession of defendant.

262. Where the property sold shall consist of goods, chattels, or other movable property to which the defendant is entitled subject to a lien or right of any person to the immediate possession thereof, the delivery to the purchaser shall, as far as practicable, be made by giving notice to the person in possession, prohibiting him from delivering possession of the property to any person except the purchaser thereof.

Delivery of movable property to which defendant is entitled subject to lien.

263. If the property sold shall consist of a house, land, or other immovable property, in the occupancy of a defendant or some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the attachment of such property, the Court shall order delivery thereof to be made by putting the party to whom the house, land, or other immovable property may have been sold, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

Delivery of immovable property in the occupancy of defendants, &c.

264. If the property sold shall consist of land or other immovable property in the occupancy of ryots or other persons entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the land or other immovable property, and proclaiming the property by beat of drum, or in such other mode as may be customary, at some convenient place or places, that the right, title, and interest of the defendant has been transferred to the purchaser.

Delivery of immovable property in the occupancy of ryots, &c.

265. Where the property sold shall consist of debts not being negotiable instruments or of shares in any Railway, Banking, or other public Company or Corporation, the delivery thereof shall be by a written order of the Court prohibiting the creditor from receiving the debts and the debtor from making payment thereof to any person or persons except the purchaser, or prohibiting the person in whose name the shares may be standing, from making any transfer of the shares to any person except the purchaser, or receiving payment of any dividends thereon, and the Manager, Secretary, or other proper officer of the Company or Corporation from permitting any such transfer or making any such payment to any person except the purchaser.

Delivery of debts not being negotiable instruments, and of shares in public Companies.

266. Where the property sold shall consist of negotiable securities of which

Delivery of negotiable securities of which actual seizure has been made.

actual seizure has been made, the same shall be delivered to the purchaser thereof.

267. If the endorsement or conveyance of the party in whose name any negotiable security or any share in a public Company or Corporation is standing, shall be required to transfer the same,

Transfer of securities and shares.

the Judge may endorse the security or the certificate of the share or may execute such other document as may be necessary for transferring the same. The endorsement or execution shall be in the following form or to the like effect—"A. B. by C. D. Judge of the Court (or as the case may be;) in a suit by E. F. *versus* A. B." Until the transfer of such security or share, the Judge may, by order, appoint some person to receive any interest or dividend due thereon, and to sign receipts for the same; and any endorsement made or document executed or receipts signed aforesaid shall be as valid and effectual for all purposes, as if the same had been made or executed or signed by the party himself.

268. If the purchaser of any immovable property sold in execution of a decree shall be resisted or obstructed in obtaining possession of the property, the provisions contained in Sections 226, 227, and 228, relating to resistance or obstruction to a party in whose favor a suit has been decreed in obtaining possession of the property adjudged to him, shall be applicable in the case of such resistance or obstruction.

Resisting or obstructing purchasers in obtaining possession of property.

269. If it shall appear that the resistance or obstruction to the delivery of possession was occasioned by any person other than the defendant claiming a right to the possession of the property sold as proprietor, mortgage, lessee, or under any other title, or if in the delivery of possession to the purchaser any such person claiming as aforesaid shall be dispossessed, the Court, on the complaint of the purchaser, or of such person claiming as aforesaid, if made within one month from the date of such resistance or obstruction or of such dispossession as the case may be, shall enquire into the matter of the complaint and pass such order as may be proper in the circumstances of the case. The order shall not be subject to appeal, but the party against whom it is given shall be at liberty to bring a suit to establish his right at any time within one year from the date thereof.

Obstruction by claimant other than defendant.

270. Whenever property is sold in execution of a decree, the person on whose application such property was attached, shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

271. If, after the claim of the person on whose application the property was attached, has been satisfied in full, from the proceeds of the sale, any surplus remain, such surplus shall be distributed ratably amongst any other persons, who prior to the order for such distribution may have taken out execution of decrees against the same defendant and not obtained satisfaction

Surplus to be ratably distributed among decree-holders who have taken out execution prior to the order for distribution.

hercof. Provided that, when any property is sold subject to a mortgage, the mortgage shall not be entitled to share in any surplus arising from such sale.

Proviso where property is sold subject to a mortgage.

272. If it shall appear to the Court, upon the application of a decree-holder, that any other decree under which property has been attached, was obtained by fraud or other improper means, the Court may order that the applicant shall be satisfied out of the proceeds of the property attached, so far as the same may suffice for the purpose, if such other decree be a decree of that Court, or, if it be a decree of another Court, may

Court may on application order another decree-holder to be satisfied out of the proceeds of property attached under a decree obtained fraudulently.

stay the proceedings to enable the applicant to obtain a similar order from the Court by which the decree was made.

CIRCULAR ORDER NO. R. OF 1859.—*From F. B. OUTRAM, Esquire, Officiating Secretary, Sudder Board of Revenue, North Western Provinces, to the Commissioner of*
—*Dated Allahabad, the 7th September 1859.*

SIR,—I am directed by the Sudder Board of Revenue to request, that the quarterly returns of suits instituted under Act X. of 1859, prescribed in Circular No. 2, dated 3rd ultimo, may be submitted, drawn up according to the official year, from the quarter commencing with the 1st of August, the date on which the Act came into operation.

2. As these returns are intended to be compiled in your office from the Collectors' monthly statements, a sufficient number of the requisite forms now in the press will be forwarded to you at an early date.

ABSTRACT.

SUITS INSTITUTED UNDER ACT X. OF 1859.

Board point out that the quarterly returns prescribed in Circular No. 2, dated 3rd ultimo, should be drawn out according to the official year.

CIRCULAR ORDERS OF 1859.—*From F. B. OUTRAM, Esquire, Officiating Secretary, Sudder Board of Revenue, North Western Provinces, to the* No. S.—*Dated Allahabad, the 20th September 1859.*

SIR,—In continuation of Circular Order F. dated 26th April 1859, the Sudder Board of Revenue, with the approval of Government, call the attention of the Revenue Authorities to the Memorandum of the Consulting Engineer to Government, dated 4th ultimo, with the form and exemplars annexed, for maintaining a continuous and correct register of all lands occupied by every separate Railway Company in each District.

2. It will be seen on a careful perusal of the Memorandum and its annexures, that its object is to balance the record of entries of lands appropriated, some of which are retained, others wholly or partially relinquished, so as to show at the close of every year the exact status of possession and liability of each separate Railway Company in every District.

3. The register does not supersede the register prescribed by the Circular Order of the Board above mentioned, which is a continuous record of appropriations for Railway purposes under the several classes, as such have been made, or may hereafter be made, with a margin for insertion of notes opposite any entry subject to subsequent change. This, in the Vernacular office, will always be most useful for reference, and will assist in the compilation of the Consulting Engineer's register, which is intended to be an English record only.

4. It is not anticipated that the entries will be numerous; but care must be taken that such are intelligently and accurately made, and the record always kept up to time, so that there may be no error or confusion in rendering a transcript of particulars of the status existing when required.

5. The 30th June has been selected, being the last day of the agricultural and settlement year of these Provinces. The Collectors will pay attention to the rule in paragraph 11.

6. Should any Collector have doubts in any case, the Consulting Engineer

ABSTRACT.

BOARD, in continuation of Circular E, dated 26th April, call the attention of the Revenue authorities to the Memorandum of the Consulting Engineer to Government, dated 4th August, with the form and exemplars annexed for maintaining a continuous and correct register of all lands occupied by every separate Railway Company in each District.

MEMORANDUM.

RECORD OF RAILWAY LANDS.

For the due fulfilment of the orders* of the Government of India, it is imperatively necessary to maintain at all times a correct register and record of all lands occupied by *every separate Railway Company*, or by any Company under each of several contracts with Government, in the offices of the Sudder Board of Revenue, of the Consulting Engineer to Government, and of the Collectors of "Railway" districts.

2. To this end the annexed form of register has been prepared in communication with the Sudder Board of Revenue, and approved by Government.

3. For the Board's and Consulting Engineer's offices there will be one record book for each line of Railway; each book containing the whole record of the land occupied by the Railway in the several districts which it traverses.

4. A volume of forms will be forwarded to each Collector for the record of land occupied in his District by the Railway therein named, in which every sanctioned grant, transfer, or release of land occupied on account of that Railway in each District, will be entered in chronological order.

5. Every sanctioned grant, transfer, or release, will be communicated to the Collector through the Board, in the form of a Land Plan depicting the land concerned and a schedule in the form attached to Public Works Department letter, No. 852, dated 21st January 1859, each countersigned by the Consulting Engineer or Deputy Consulting Engineer to Government, North Western Provinces.

6. Under the Rules for the guidance of Collectors and of Engineers in giving and taking over land, no land is to be made over to any Railway Company under any other authority than that of sanctioned plans and schedules.

7. The nature of the requisite entries in the several columns of the record is carefully explained in the Memorandum on the inside of the book.

8. On the first page are examples of various transactions which are severally explained below.

No. 1. The commonest of all is a grant of land under class A., referred to in paragraph 5, of the Government order. Under this column, land for the whole length of a line in any one pergunnah sub-division of a district, may be included in one entry, and represented in one continuous plan; but separate schedules will always be furnished for each estate or village, for record with the village papers.

Nos. 2, 3, 4, are simple grants of land under class B, D and C, referred to in paragraph 6, 7 and 8, of the Government order.

The instruction of paragraph 7 of Government Order that all land of whatever class is to be taken possession of by Government, and that the primary settlement of all compensation is to be made by, and on account of, Government is repeated in the form.

No. 96 is a record of land temporarily occupied by the Railway Company in class B, and returned when no longer required as provided in Government order, paragraph 6. The entry being *negative* is made in red ink.

In balancing the record the item disappears altogether, the original grant being cancelled.

No. 97 illustrates the case of a transfer of land temporarily occupied under

No. 124. This is a case in which the Railway Company may be permitted to give up a part of any plot of land previously occupied under sanction. The corresponding diminution of yearly rental payable by Railway Company on account of the original parcel of land is shewn in column 16, and the amount of deterioration assessed at the time of release is entered in column 17, as chargeable to the Railway Company under paragraph 7 of Government order.

9 On the 30th June of every year the record will be balanced as shown, and the results of the balance carried over at the first entry of the following year. A copy of the record of each year will be submitted to the Board annually on the 30th June, for check in the Board's office, and in that of the Consulting Engineer to Government. It will be observed that the Return of 30th June 1860, will include all the transactions of the year then concluded, and a balanced and corrected abstract. The Return of 30th June 1861 will detail the transactions of the year then terminated, together with the abstract corrected to date; but it will not repeat in detail the transactions of 1860; and so on.

10. Thus the yearly Returns will be very brief; but it will be necessary that the record should be maintained with the greatest punctuality and care. The entries of columns 1, 2, 3, 4, 7, 10, 13 will be made on receipt of notification of each grant of land, and the particulars to be noted in other columns will be entered so soon as sanction has been obtained to the abatements of jumma and amounts of compensation.

11. On the 30th June of each year, Collectors will present to Railway Companies, Bills for the amount of rent shewn in column 16 for the year then concluded.

12. The compensation payable by Railway Company under column 17 will be recovered by Collectors from time to time at the period of making over the land to which it relates.

EXPLANATION OF REGISTER.

COLUMN 1 requires no explanation.

" 2 date of sanction for appropriation of the land as recorded on the Engineer's schedule.

" 3 the information in this column will be supplied on the face of the plan and schedule.

" 4 area to be shewn in standard acres, roads and poles.

" 5 annual amount of remission of Jumma sanctioned.

" 6 amount of compensation paid in money for loss of profits or tenures, houses, trees, tanks and wells, &c., and ratable cost of establishment, where chargeable, less the amount realized by sale of materials and trees, and credited to Government.

" 7 vide Column 4.

" 8 " " "

" 9 " " 6.

" 10 " " 4.

" 11 " " 5.

" 12 " " 6.

" 13 " " 4.

" 14 " " 5.

" 15 is the total amount of compensation paid by Government and ratable cost of establishment, where chargeable, without deduction of amount realized from sale of materials and trees, which under class C belong to the Railway Company. See para. 10 of P. W. D., 852.

" 16 yearly rental, being fixed amount payable by the Railway Company to the Collector on the presentation of bills due on the 30th June annually.

" 17 same as 16. This amount is payable by Railway Companies to Collector on presentation of bill at the time the land is made over.

" 18 Remarks.

REGISTER OF LANDS IN OCCUPATION OF THE EAST INDIAN RAILWAY

REFERENCES TO SANCTION.			Class A in permanent occupa- tion of Railway Company.			Class B in temporary occupa- tion of Railway Company.		
			PAYABLE BY					
No. of Plan.	Date of sanction.	SANCTIONED PURPOSE.	A. AREA.			B. AREA.		
			Statement of Assessment.			Statement of Assessment.		
			Net cost of compensation and clearance.			Net cost of compensation and clearance.		
1	2	3	4	5	6	7	8	9
			A. R. P.	Rs. A. P.	Rs. A. P.	A. R. P.	Rs. A. P.	Rs. A. P.
1	8th June 1856.	Allahabad Station.	40 3 7	259 6 4	102 9 7			
2	24th June 1856.	Temporary Storage of P. W. M. at Kutchipoorwa, ...	...	...	...	26 4 2	78 6 2	124 0 0
3	24th June 1856.	Diversion of road at Kyd Gung, ...	...	...	...
4	1st July 1856.	Drivers' Barracks, Allahabad, ...	...	...	...
96	2nd August 1859.	Land for temporary Storage of P. W. M. at Kutchipoorwa, re- leased, ...	...	...	...	426 4 2	78 6 2	124 0 0
97	2nd August 1859.	Permanent Store Shed on Land oc- cupied for temporary storage of P. W. M. at Kutchipoorwa, ...	26 4 2	78 6 2	124 0 0	426 4 2	78 6 2	124 0 0
124	1st May 1861.	Part of land for drivers' barracks at Allahabad, released,	...	...	...
Abstract Corrected and balanced 30th June 1860,			66 7 9	328 12 6	526 9 7	Nil.	Nil.	Nil.
1st July 1860, By Balance as above,...			66 7 9	328 12 6	526 9 7	Nil.	Nil.	Nil.

COMPANY (EXTENSION LINE) IN ZILLAH ALLAHABAD.

Class D. occupied by Government, Permanent. *			Class C. in occupation of Railway Company, Permanent or temporary.					REMARKS.
GOVERNMENT.						Payable by Railway Company to Govt.		
AREA.	Abatement of Assessment.	Net cost of compensation and clearance.	AREA.	Abatement of Assessment.	Total cost of compensation.	Yearly Rental.	Total cost of compensation.	
10	11	12	13	14	15	16	17	18
A. R. P.	Rs. A. P.	Rs. A. P.	A. R. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
2 4 6	12 1 8	Nil.						
...	...	...	25 4 6	83 10 7	1363 4 7	83 10 7	1363 4 7	† The grant of this land in class B. was sanctioned. No. 86, dated 2nd August 1859. The entries in B. will disappear from next year's return.
...	...	...	8 2 3	25 10 8	...	25 10 8	141 0 0	124. This is part of the land sanctioned as No. 4 of 1st July 1856, corresponding abatement of No. 4 will be made in Columns 13 and 14 of next year's return.
2 4 6	12 1 8	Nil.	17 2 3	57 15 11	1363 4 7	57 15 11	1404 4 7	* Payable for deterioration assessed at date of release, under para. 7 of Govt. order.
2 4 6	12 1 8	Nil.	17 2 3	57 15 11	1363 4 7	57 15 11	1404 4 7	

A. B.
Collector.

CIRCULAR ORDER OF THE

(COPIES.)

No. 3 of 1859.—CIRCULAR ORDERS by the Sudder Board of Revenue, North Western Provinces, to all Revenue Authorities, in the North Western Provinces, Dated Allaahabad, 24th January 1859.

WITH the sanction of Government, the Sudder Board of Revenue direct the attention of all Revenue Authorities, to the following rules respecting the office and duties of Canoongoes in the North Western Provinces :—

Board, with the sanction of Government, direct the attention of all Revenue Authorities, to the rules laid down respecting the office and duties of Canoongoes.

1st.—The designation of Canoongoe, fixed by Regulation IV., 1808, will remain unchanged.

2nd.—The distribution of the Canoongoe's duties should be territorial, one or more pergunnahs being the charge of a single Canoongoe, or in the case of more than one being required for a very extensive pergunnah, a fair geographical division being made between them.

3rd.—The office of Canoongoe is not hereditary; but for vacancies selection should be made of the fittest member of the family, or in default of such fitness from some local family of good repute.

4th.—Canoongoes may employ Gomashas to assist them in their duties, such being relatives, connections, or otherwise, but the names of such employes must be submitted for approval of the District Officer, the Canoongoes must give a written acknowledgment of responsibility for their conduct, and must settle with them for their remuneration.

5th.—Certain duties of the Canoongoe formerly prescribed by Regulation IV., 1808, have been obsolete and prohibited for many years past, viz., the registry of Ryottee Pottahs and attestation of private, deeds of transfer.

6th.—Other duties therein declared, or which have been imposed by subsequent rules, are those of pergunnah registrar and attester of certain accounts and statements.

7th.—In the capacity of pergunnah registrar, the Canoongoe should keep up the following registers :—

1. Register of mouzahs in the pergunnah with note of any transfers made to or from other pergunnahs.

2. Register of lakhiraj tenures for each pergunnah, one of which will be of tenures in perpetuity, another of tenures for life, and a third of tenures not exceeding 10 beegahs.

3. Register of civil pensioners residing in the pergunnah, with separate note deomfise.

4. Register of putwarees with separate note of mutations.

5. Register of Auzool properties in the pergunnah.

6. Register of bonds hypothecating real property as security to Government with certified valuations. In this capacity also the Canoongoe is expected to have full knowledge of his charge, and to be prepared readily to furnish local information when required.

8. In his other capacity of official attester, the Canoongoe's duty is :—

I. Reporting the issue of dustucks as required by standing rules.

II. Keeping a duplicate set of the prescribed Satha and Khuteonee of the tehsil office.

III. Countersigning accounts kept by Revenue Officers, including dakhillas furnished to parties paying revenue.

IV. Receiving, examining, and arranging the papers, putwarees are required to tender and bring to the notice of the tehsildars any irregularities.

V. Auditing the accounts of properties under direct management.

VI. Conducting local investigations in person, or verifying the proceedings of subordinate officers employed in such duties.

These duties necessarily require the punctual attendance of the Canoongoe at the Tehseel Office during the hours of business, or of a representative, if he should be unavoidably absent.

NOTIFICATION.

Sudder Board of Revenue, North Western Provinces.—Dated Agra, 13th January 1859.

UNDER orders of Government bearing date 5th instant, No. 33, it is hereby notified for general information, that from and after the date of this Notification, salt which has been imported from the westward into the town of Saugor, without payment of duty, will not be permitted to leave it, in any direction, until the usual Government duty has been paid; and hereafter all salt, imported as above, found crossing the Customs line uncovered by a Rawannah, will be liable to confiscation, and its owners to the penalties described in Act XIV. of 1843.

CIRCULAR ORDER No. 1.—*By the Sudder Board of Revenue, North Western Provinces, to all Revenue Authorities in the North Western Provinces.—Dated Agra, the 15th January 1859.*

UNDER instructions from the Government, the Sudder Board of Revenue for the North Western Provinces, require strict and uniform attention to the rules for prevention of disposal of country spirits to European soldiers on the line of march. Appendix XIII. of the law and rules relating to Abkaree.

2nd.—Endeavours should be made always to give timely notice to the Tehseeldars of the expected arrival of European troops within the limits of their circles, in order that they may adopt the preventive measures enjoined by the rules.

3rd.—Further to ensure their observance, the Collectors are directed to warn the Tehseeldars to adopt the requisite precautions, whether intimation of approach of European troops is received from their official superior, or through any other channel.

4th.—The Commissioners are requested to see that the rules are rigidly enforced throughout every district of their Division.

ABSTRACT.

Board, under instructions from the Government, North Western Provinces, issue orders with reference to Appendix XIII. of the Abkaree Law and Rules for the prevention of disposal of country spirits to European soldiers on the line of march.

No. 2.—*To all Revenue Authorities in the North Western Provinces —Dated Allahabad, the 2nd July 1859.*

THE Sudder Board of Revenue for these Provinces, under which postage is levied on packets containing deeds requiring to be stamped and sent to and from the office of the Superintendent of Stamps, direct the cancelment of their Circular Order No. 1. of 1856.

2nd.—This cancelment will be noted at the foot of the Circular Order, above-mentioned, at page 67 of the Law and Rules relating to stamps.

ABSTRACT.

Board direct the cancelment of their Circular Order, No. 1, of 1856.

CIRCULAR ORDERS

OF THE

ACCOUNTANT'S OFFICE,

NORTH WESTERN PROVINCES,

FOR 1859.

CIRCULAR NO. 403 OF 1858-59.—From CHARLES GRANT, Esquire, Accountant, North Western Provinces, to Dated Agra, the 3rd January 1859.

THE introduction of Stamped Envelopes, and Note Paper, in the Postal Department, having rendered it necessary to alter the form of Voucher hitherto in use, as prescribed in Circular No. 304, dated the 24th August 1854, to support charges ; in your Treasury Accounts on account of Discount on the sale of postage stamps, I have the honor to annex a form adapted to the present requirement, and agreeably to which you will be good enough to furnish vouchers in support of charges in your future accounts, commencing with the present month.

FORM.

Statement of Discount paid on Postage Labels, Stamped Envelopes and Note Paper sold during the month of January 1859.

Date of the month.	Name of official Venders entitled to discount at the rate of 1 anna per Rupee, from 5 Rs. and upwards.	Name of private purchasers entitled to discount at 1/2 anna per Rupee, from 5 Rupees and upwards.		Number and description of Postage Labels sold.	Value of Postage Labels sold.	Number and description of Stamped Envelopes sold.	Value of Stamped Envelopes sold irrespective of the value of the Paper.	Number of sheets of Stamped Note Paper sold.	Value of Stamped Note Paper sold exclusive of the cost of the Paper.	Total amount Sale of Postage Labels, Stamped Envelopes and Note Paper on which discount is chargeable.	Total Amount on Discount.
1st.	Treasurer	"	4 as.	29	5 0 0	1 as.	160				
	"	"	12 "	40	5 0 0	"	160				
	or any	"	1 "	200	6 4 0			1/2 as.	40	1 4 0	
	other	"									
	authorized	"									
	vendor	"									
	(name to be inserted.)	"			16 4 0					1 4 0 32 8 0	2 0 0
19th.	Belchary	8 as.	50	25 0 0	1 as.	70	4 6 0	1/2 as.	200		
	Lally,	1 "	30	7 8 0	"	100	3 2 0			6 4 0	
	"	12 "	50	6 4 0							
	"	1 "	100	6 4 0			7 8 0			6 4 0	71 6 0
	"	12 "	500	15 10 0							2 5 0
	"				50 10 0						
										Total,	4 5 0

I hereby Certify, that the above amounts of discount have been actually paid to the vendors indicated above.

Agra Collector's Treasury,
The 1st January 1859.

(Signed) A. B.
In charge of Treasury.

CIRCULAR ORDERS OF THE

CIRCULAR No. 109 of 1858-59.—FROM C. GRANT, *Esquire, Accountant, N. W. Provinces, to* *Dated Agra, the 19th January 1859.*

UNDER orders of the Government of India, in the Home Department, I have the honor to request that, you will be good enough, in future, to withhold advances of money to Officers of the Telegraph Department, except upon applications duly countersigned by the Superintendent of Electric Telegraphs in India.

CIRCULAR No. 410 of 1858-59.—FROM C. GRANT, *Esquire, Accountant, N. W. Provinces, to* *Dated Agra, the 17th February 1859.*

I HAVE the honor to request, that you will consider the additional note, circulated with my Circular No. 396, dated the 20th September last, as cancelled, and subjoin the following amended Note to para. 100, page 10, of the Pamphlet on Bills of Exchange. The rule you will observe, is *not* applicable to *Chartered Banks* or Institutions.

AMENDED NOTE.

In law it is essential to the validity of a Bill drawn in favor of an Unchartered Bank or other institution, that the name, as well as designation of the payee, should be specified in it; and the receipt or endorsement of the individual so named as payee, is necessary as an acquittance. Where the connection of such payee with the institution has ceased before presentation of the Bill, and his signature cannot be obtained, it may be paid on the receipt or endorsement of his successor in office, on his furnishing an indemnity.

CIRCULAR No. 411 of 1858-59.—FROM C. GRANT, *Esquire, Accountant, N. W. Provinces, to* *Dated Agra, the 19th February 1859.*

I HAVE the honor to draw your attention to Notification No. 9 of the Government of India, in the Financial Department, dated the 10th instant, and published in the *Calcutta Gazette Extraordinary* of that date; throwing open the Local Treasuries under the several Local Governments to the reception of Subscriptions for the purchase of Treasury Bills, and to request that, on such subscriptions being paid into your Treasury, you will grant acknowledgments for the same, and enter the amounts in your Treasury accounts, under the head "to Government of India" as *money received for the purchase of Treasury Bills*.

Should holders of the acknowledgments granted by you, be desirous of having them exchanged for Treasury Bills through you, you will have the goodness to forward the acknowledgments for that purpose to the Accountant General to the Government of India, in the Loan Department, in the same manner as in cases of subscriptions to the 5 per cent. loan.

CIRCULAR No. 412 of 1858-59.—FROM C. GRANT, *Esquire, Accountant, N. W. Provinces, to* *Dated Agra, the 11th April 1859.*

I HAVE the honor to request, with a view to the saving of clerical labor as well as to ensure uniformity of practice, that in future, on occasions of transfer of charge of Treasury, only one copy of the Statements of Miscellaneous

advances and of Balances of Cash, Stamps, and Opium in Store, signed by the relieving Officer as well as the Officer relieved, be submitted to this Officer for record.

CIRCULAR No. 413 of 1858-59.—FROM F. LUSHINGTON, *Esquire, Officiating Accountant, N. W. Provinces, to* *Dated Agra, the 21st April 1859.*

THE new forms of Registers of Revenue Deposits introduced by my predecessor's Circular No. 361, dated the 30th December 1856, appearing to require modification, and the explanatory remarks contained in that Circular being susceptible of simplification, I have the honor to request that you will consider those forms and the Circular above cited as hereby superseded.

The forms of Registers of Receipts and Re-payments of Revenue Deposits now prescribed for use, are hereto annexed marked with the letters A. and B.

Every item of deposit received or disbursed should be entered at once in the public accounts, and Registered under its appropriate heading, the requisite particulars being noted opposite to it in the first 4 columns of the Statement. The entries under columns 1 to 4, 8, and 14, 15 and 20, should be made without assigning Nos. to the items of receipt, but those coming under the remaining columns, should have individual deposit Nos. affixed to them. At the end of the month the entries under all the headings should be totalled as they stand, both in the Register of Receipts and the Registers of Re-payments.

Should Mouzawar, Illakawar, or Departmental Sub-divisions be necessary for the purposes of adjustment, they may be adopted at the local Treasury, but are not required for the purposes of this Office.

The practice of consolidating several items of old standing into one item with a new number attached to it, should be discontinued.

Zillah

for the month of

8	Copists Fees.	
	Inspection Fees.	
9	Revenue Agents.	
10	Salaries of establishment in charge of under attached ports	
11	Departmental deposits.	
12	Revenue processes.	
13	Miscellaneous.	
14	Port Fund allotments.	
15	Port revenue of ensuing year's list.	
16	Fines.	
17	Mulkamah.	
18	Alkharoz.	
19	Courts of Wards.	
20	Forest collections.	
21	Stamp penalties.	
22	Summary suits.	
23	Total.	
	Remarks.	

CIRCULAR ORDERS OF THE

CIRCULAR No. 414 of 1858-59.—From F. LUSHINGTON, *Esquire, Officiating Accountant,*
N. W. Provinces, to *Dated Agra, the 20th April 1859.*

IN modification of Circular G. of this Office, dated the 28th June 1855; I have the honor to inform you, that fixed allowances on account of the periodical repairs of Tehseeldar's, Moonsiff's, Sudder Ameen's and Principal Sudder Ameen's Cutcheries and Police Thannahs, are to be treated in the Public Accounts as charges debitable respectively to the heads "Revenue Charges General," "Judicial Charges General," and "Provincial Police" instead of to "Public Works" "Ordinary" under support of Bills audited by the Civil Auditor.

CIRCULAR No. 415 of 1858-59.—From F. LUSHINGTON, *Esquire, Officiating Accountant,*
N. W. Provinces, to *Dated Agra, the 20th April 1859.*

UNDER intimation received from the 1st Assistant Accountant General to the Government of India, bearing date the 7th instant, No. 9569; I have the honor to state for your information, that henceforth Pay Masters will furnish you direct with monthly advices, in the accompanying form, of their probable monetary requirements for the month from your Treasury, to which advices you will have the goodness to pay every attention.

These advices cannot fail to be of material service to you in the preparation of your monthly estimates for transmission to this Office.

ADVICE for the Collector of

EXTRACT of Estimate submitted to the Accountant General showing the probable requirements for the Pay and Allowances of Troops dependent on the Pay Office, for the month of 18 to be issued in the coming month of 18 from the Treasury.

No. of Troop.	No. of Battn.	No. of Co.	No. of Regt.	Corps.	Where Stationed.	Amt. required for each Corps.	Total.

(True Extract.)

Pay Office,

Deputy Pay Master

CIRCULAR No. 416 of 1858-59.—From F. LUSHINGTON, *Esquire, Officiating Accountant North Western Provinces, to Dated Agra, the 20th April 1859.*

UNDER instructions from the Government, N. W. Provinces, bearing date the 11th instant, No. 306, I have the honor to intimate, that all sums which may hereafter be tendered at your Treasury by Commandants of Military Police Corps for deposit as "Chunda" or "Horse Fund," should be received and credited in your Treasury account under that head Subordinate to "Deposits of the Revenue Department."

The receipts and repayments on account of this Fund should be regulated under the general rules for the receipt and repayment of all other kinds of Deposits, except that in the present case, stated periods should be fixed by you once or twice during the month for receipts and withdrawals.

The Receipts and documents necessitated by transactions growing out of this new description of deposits, should be prepared by Commandants of the Police Corps and submitted to you for signature, with a view to prevent the further accumulation of work at your Treasury.

CIRCULAR No. 417 of 1858-59.—From C. GRANT, *Esquire, Accountant, North Western Provinces, to Dated Agra, the 9th April 1859.*

HERETOFORE it has not been usual to send Treasury under escort of European Infantry, Artillery or Cavalry; but under the altered state of the country, it will be necessary to take advantage of any body of troops passing through a district for the protection of Government Treasure which the Civil Authorities may have occasion to remit from one station to another. I have accordingly the honor to request your attention to the following rules and instructions which are issued under the sanction of the Right Hon'ble the Governor General, and with the approval of his Excellency the Commander-in-Chief in the Military Department.

2. When a Collector or other Officer in charge of a Treasury may find it necessary to take advantage of any body of European troops about to move from, or passing through his district for the protection of a cash remittance, it will be his duty to send a sufficient body of police or native troops to take the sentry duty and keep guard over the Treasure on the line of march: the aid of the Europeans will only be required in case of an attack on the Treasure. The Officer in Command of the European troops need not be called on to see the Treasure boxes weighed; he will only be required to see that the Podars in charge of the Treasure on the part of the Collector, and the native escort keep in proper place on the line of march, and place the Treasure, when stationary, where it can be seen and easily supported in case of danger.

3. The Podars in charge of a remittance will be entirely responsible for the contents of the Treasure boxes or tumbrils, and will make a report morning and evening to the Officer in command of the troops, and will also apply to him for advice and aid in case of any difficulty.

4. The Officer commanding the troops will make the remittance over to the consignee or to the Officer in command of a relieving escort. A Treasury Officer receiving a remittance will on no account detain the Officer who makes over a remittance, the responsibility for the contents of the Treasure boxes or tumbrils being entirely with the Podars.

5. A Collector will on no account be allowed to detain troops if unable to get his remittance ready in time, he must wait for another opportunity. Every effort should be made to gain early intelligence from the Military authorities of the expected movement of troops.

8. My Circular of the 3rd of April 1850, No. 1808, except inasmuch as it is hereby modified, must be strictly attended to.

CIRCULAR No 418 OF 1858-59.—*From F. LUSHINGTON, Esquire, Officiating Accountant,
North Western Provinces, to Dated Agra, the 29th April 1859.*

WITH reference to the instructions conveyed at pages 69, and 144 to 146, of the Revised Edition of the Accountant's Manual (which is shortly expected) under the heads "Counterfeit Coin," "Short Weight Rupees," and "Silver Currency." I have the honor under orders of the Government of India, in the Financial Department, dated 11th ultimo, to request that you will, pending the passing of a New Law, act upon the advice of the Advocate General as contained in the annexed Extract of his opinion, paras. 6 to 10, dated 19th February 1859, on the subject of dealing with Coins when tendered at your Treasury, such as counterfeit, or genuine coin, which has been unlawfully tampered with, or when the coin has been diminished or impaired otherwise than by any of the five modes specified in Act XXXI. of 1839.

EXTRACT from the opinion of the Advocate General, W. RITCHIE, Esquire, dated 19th February 1859, Paras. 6 to 10.

6. The powers of the Revenue or other Officers of Government to break up or destroy genuine coins which have been unlawfully tampered with, but which are presented by innocent holders, are very ill-defined at common law, and special

2 W. 4, C. 13, S. 13 and 14.

provisions for breaking up counterfeit coin, or coin unlawfully diminished, have been so often introduced by Statute* that an inference arises that some Statutory authority is necessary in order to afford a complete protection to the Officers so dealing with coins.

7. My own opinion certainly is that, any Officer of Government to whom counterfeit coin is tendered, even by an innocent holder, is fully justified, without any Legislative authority, in cutting or breaking in two such coins, returning the pieces to the holder if no suspicion attach to him, or to any one who can be traced through him.

8. But the question is more difficult as to genuine coin which has been unlawfully tampered with ; I incline to think, however, that if such coin has been actually " fraudulently clipped, filed, drilled, defaced or debased " within the meaning of Act XXXI. of 1839, which would include the cases of plugging referred to by Mr. Harvey, the Government Officers would be safe in cutting or breaking in two such coins, returning the pieces (without loss of any of the particles) to the innocent holder. I cannot see that the latter could sustain any damage that the law would recognise by the Act, as he could not himself make use of the coin as a genuine coin after being

apprised of its having been unlawfully dealt with, without a crime, and the value of the coin for any lawful purpose would not be diminished by its being broken in two.

9. Whether the course is strictly justifiable in the present state of the law or not, which is very doubtful, I strongly advise its immediate adoption at the Treasury, and by all Revenue Officers as a protection to the public against the circulation of the coin illegally depreciated, which there is a strong moral obligation on the Government to afford.

10. When the coin has been diminished or impaired otherwise than by any of the five modes specified in Act XXXI. of 1830, *e. g.* by sweating through a chemical process, which does not deface or debase the standard, much greater difficulty will exist, where it is quite certain that the diminution is owing to some chemical or unlawful process, wilfully applied, I incline to think, the Government Officers breaking it in two will be practically safe. For any subsequent uttering such coin with knowledge of its character would, in my view, be a misdemeanor at common law, though not a Statutable offence, and therefore it is difficult to see what legal damage the innocent holder in receiving back the pieces could sustain. But extreme caution will be necessary in dealing with such cases, because if the lightening or diminution of the coin can be attributed to fair wear and tear, or to lawful means, the burden of negativing which would be on the Officer breaking it, I think it clear that he would be exposed to an action by the innocent holder.

CIRCULAR No. 419 OF 1858-59.—From F. LUSHINGTON, Esquire, Officiating Accountant, North Western Provinces, to Dated Agra, the 27th April 1859.

UNDER instructions from the Accountant General to the Government of India in the Military Department, bearing date the 7th instant, No. 9572, I have the honor to inform you, that emergent advances to Her Majesty's Troops, quartered in your District, should be made from your Treasury on Station Orders covered by receipts, signed by the Regimental Pay Masters, and countersigned by the Commanding Officer of the Regiment.

No intimation of such advances need be given to the Accountant General in the Military Department at Fort William, the transmission of an advice to the Pay Master Queen's Troops at Calcutta by Post of the day on which the advance may be made, being all that is necessary with a view to reimbursement.

Should it, however appear, on enquiry of the Regimental Pay Master at the time the advance may be made, that the amount is likely to be recovered in a few days, by a draft of the Pay Master Queen's Troops, no advice or intimation of the advance having been made need be given by you to the latter Officer.

In case of advances to Officers of Her Majesty's Troops away from their Regiments, care should be taken to advise both the Regimental Pay Master and Pay Master Queen's Troops by the same day's post, and the same course should be adopted where detachments only are concerned.

CIRCULAR No. 420 OF 1859-60.—From F. LUSHINGTON, Esquire, Accountant, North Western Provinces, to Dated Agra, the 6th May 1859.

IN supersession of the instructions contained in Circulars of this Office, No. 379 and 391, dated respectively the 29th May and 31st July 1858; I have the honor to inform you, that it has been ruled by the Government of India, that specie re-

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mittances should invariably be weighed and examined immediately on arrival, and then credited by the consignee. You will be good enough to observe this course in future.

It has further been ruled that, when a remittance is sent to a Treasury for transmission to another Treasury, it should be examined and repacked at the intermediate Treasury and sent as a remittance from it and entered in its accounts.

You should continue, as heretofore, to report to the remitter, the arrival of all specie remittances, on the day they are delivered at your Treasury, and notice in such report, any discrepancies that may appear between the gross weight of the boxes and the weight entered in the Invoice, as well as the general appearance of the boxes and any other matter deserving of attention.

It is also directed that, with remittances, forwarded by land, Podars should be deputed; or, the Treasurer of the remitting Treasury, should be allowed to appoint an Agent, to be present on his part, at the opening of the boxes and the counting and shroffing of the money at the receiving Treasury. Podars are not required to attend remittances by water.

CIRCULAR No. 421 OF 1859-60.—From F. LUSHINGTON, *Esquire, Accountant, North Western Provinces*, to *Dated Agra, the 11th May 1859.*

The present practice of holding Sale proceeds of unclaimed and intestate property under the head "To Deposits," pending disposal, having been found to be inconvenient, inasmuch as the Deposit Registers are encumbered with numerous items which are apt to be lost sight of; I have the honor to request, with a view to obviate this difficulty, that you will open a head in your Treasury Account, to be styled "Sale proceeds of Unclaimed and Intestate Property," under which should be exhibited, all realizations and refunds of the sale proceeds of such property.

2nd.—You will also have the goodness to transfer to the new head, all items of the above nature, which may now be standing at credit in your deposit accounts, and exhibit a plus and minus memorandum of the head at the foot of your Monthly Treasury Accounts.

3rd.—The examination of the new head of Account, at stated intervals, in your Office, will enable you to transfer to credit of Government, without unnecessary delay, credits of more than twelve months standing which are not likely to be refunded.

4th.—It will not be necessary for you to detail the credits in the Treasury Accounts, but at the close of each year a list of the outstanding items should be furnished to this office, and the list should indicate the date on which each item was brought to credit.

CIRCULAR No. 422.

Erratum.

For No. 1808, in line first, para: 8 of the Accountant's Circular No. 417, dated 9th April last, read No. 261.

CIRCULAR No. 423 OF 1859-60. —From F. LUSHINGTON, *Esquire, Accountant, North Western Provinces*.—*Dated Agra, the 16th June 1859.*

With reference to the Notification of the Government of India, in the Financial Department, dated the 30th April last, authorizing Officers in charge of Treasuries in the several Presidencies to receive money in exchange for Treasury Bills, bearing

interest at $2\frac{1}{2}$ pie per diem for every 100 Rupees; I have the honor to inform you, that sums so received, should be credited in your accounts under the heading, "Treasury Bills at $2\frac{1}{2}$ pies per cent. per diem for one year," or "Treasury Bills at $2\frac{1}{2}$ pie per cent. per diem for 3 months," according to the terms of the Loan Acknowledgments. The entries are to be subordinate to "Indian Loans," under "Government of India."

2nd.—On repayment or transfer of Treasury Bills, in the manner provided for by the Notification; the principal amount should be debited to the head to which it was credited, and the interest charged to the general heading of "Interest on Indian Loans," subordinate to the head "Government of India."

CIRCULAR No. 424 OF 1859-60.—From F. LUSHINGTON, Esquire, Accountant, North Western Provinces, to Dated Agra, the 17th June 1859.

I HAVE the honor to solicit your particular attention to the orders of the Hon'ble the Lieutenant Governor of the North Western Provinces, conveyed in the following extract, para. 3, of letter No. 1812, of the 10th instant, from the Officiating Under-Secretary to my address, regarding the mode of reporting upon Deposits made prior to the mutiny, and for the repayment of which you may require the sanction of higher authority.

Extract para. 3. "His Honor concurs in the suggestion contained in para. 4 of Mr. Grant's letter, viz., that, as in many districts there is nothing to prove the payment, owing to the destruction of records; great care should be taken by the District Officer, to guard against double payments being made; that there should be a separate report in each case proposed for payment, and that the reporting Officer should state, that he is perfectly satisfied that the money was not paid before the outbreak, giving his reasons for coming to that conclusion. His Honor begs that you will issue instructions accordingly to the Collectors.

CIRCULAR No. 425 OF 1859-60.—From F. LUSHINGTON, Esquire, Accountant, North Western Provinces, to Dated Agra, the 29th June 1859.

I HAVE the honor to subjoin, for your information and guidance, Extract para. 9 from the Circular of the Sudder Board of Revenue, N. W. Provinces, No. 1, dated 23rd September last, and to request that, should the practice of selling attested plain paper in lieu of Stamps on occasions of your stock of the latter running short, obtain at your Treasury, you will forthwith discontinue it.

EXTRACT para. IX. from Circular of the Sudder Board of Revenue, North Western Provinces, No. 1, bearing date the 23rd of September 1858.

"IX. The practice of receiving on plain paper, together with a money payment, documents which ought to be written on Stamped paper, is strictly prohibited. If the stock of Stamp paper of any value should run short, either through neglect to make timely indent on the Stamp Office, or through an improvident supply of Stamps to other districts, the Collector or Officer in charge of Stamps will be held personally responsible for any loss that may be sustained by Government in consequence. It will be the duty of the Superintendent of Stamps to report to the Board all occasions on which it may appear from the Monthly Statements or otherwise, that the store of Stamps of any particular value in any district has been exhausted."

CIRCULAR No. 426 of 1859-60.—From F. LUSHINGTON, *Esquire, Accountant, North Western Provinces, to Dated Agra, the 6th July 1859.*

I HAVE the honor to subjoin, for your information and guidance, copy of the Circular Order of the Sudder Board of Revenue, North Western Provinces, No. 2 of 1859, dated the 2nd instant, which should be considered as superceding para. 838, page 147, of the Revised Manual.

(COPY).—CIRCULAR ORDER BY THE SUDDER BOARD OF REVENUE, NORTH WESTERN PROVINCES, No. 2 of 1859-60.

From Secretary to Government, North Western Provinces, to all Revenue Authorities in the North Western Provinces.—Dated Allahabad, the 2nd July 1859.

THE Sudder Board of Revenue for these Provinces having received intimation of the cancellation of the rule, in the Lower Provinces, under which postage is levied on packets containing deeds requiring to be stamped, and sent to and from the Office of the Superintendent of Stamps, direct the cancellation of their Circular Order I of 1856.

2nd.—This cancellation will be noted at the foot of the Circular Order above-mentioned at page 67 of the Law and Rules relating to stamps.

CIRCULAR No 427 of 1859-60.—From F. LUSHINGTON, *Esquire, Accountant, North Western Provinces, to Dated Agra, the 7th July 1859.*

UNDER existing orders Treasury Officers making emergent advances on receipts of Commanding Officers of Corps or Detachments in account with the Government of India, Military Department are required to forward the original of such receipts to the Pay Master concerned, on the day in which the advance is made; and if a draft be not furnished in adjustment before the expiration of two months from such date, to charge the amounts from Miscellaneous advances to the head "Government of India, Military Department." It not unfrequently happens, however, that the receipt is not forwarded to the Pay Master by the Treasury Officer till some time after, and as the Pay Master is entitled to an interval of two months to enable him to adjust such advances by drafts; I have the honor to request that you will in such cases refrain from charging off unadjusted advances until two months after date of intimation of advance to the Pay Master concerned.

2nd.—I have to add, that should any delay occur in giving such intimation, the officer in charge of the Treasury making the advance will be held personally responsible in the event of any loss arising from such delay.

CIRCULAR No. 428 of 1859-60.—From F. LUSHINGTON, *Esquire, Accountant, North Western Provinces, to Dated Agra, the 20th July 1859.*

UNDER instructions from the Government of the North Western Provinces, conveyed in Circular No. 3 of the 7th ultimo; I have the honor to inform you, that no charges on account of Public Works will henceforth require Audit by the Civil Auditor.

2. All expenditure on repairs or construction of Public Works incurred by Officers not subject to the control of the Chief Engineer, should be finally audited as follows:—

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